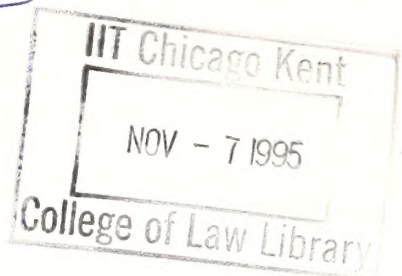


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RESERVE



1995

Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 44— November 03, 1995

Pages 15116 - 15289

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017



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Secretary of State

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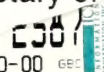


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JOINT COMMITTEE ON ADMINISTRATIVE RULES

ISSUES INDEX

The ISSUES INDEX supplements the most recently published quarterly Cumulative Index (CI) and Sections Affected Index (SAI) (October 13, 1995, Vol. 19, Issue #41). The annual CI and SAI will be published January 12, 1996 (Vol. 20, Issue #2)

Rules are listed by Title, Part and Issue Numbers. The ISSUES INDEX appears at the end of each issue of the *Illinois Register*.

Inquiries about the ISSUES INDEX may be directed to the Administrative Code Division at 217-782-7017 or the Internet address: jnatale@ccgate.sos.state.il.us

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
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Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
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Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
Mar. 28, 1995	Apr. 4, 1995	15	Apr. 14, 1995	Oct. 3, 1995	Oct. 10, 1995	42	Oct. 20, 1995
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Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

notice. Comments should be submitted to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 222
Springfield, IL 62701-1498
(217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.
- 13) This rule was not include on either of the 2 most recent agendas because: This rule was not included on either of the 2 most recent agendas because: the Department had not received the Department of Health and Human Services recommendation at the time it published its last regulatory agendas.

The full text of the proposed amendment begins on the next page.s;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Placement and Visitation Services

- 2) Code Citation: 89 Ill. Adm. Code 301

- 3) Section Numbers: Proposed Action:

301.60 Amend

- 4) Statutory Authority: 42 U.S.C.A. 5115a

- 5) A Complete Description of the Subjects and Issues Involved: The federal Department of Health and Human Services (HHS) has recommended to the Department that it amend its rule language regarding placement of children in homes that closely approximate the racial, ethnic and cultural background of the child. The language recommended by HHS complies more closely with the Multiracial Placement Act of 1994 which prohibits agencies receiving federal assistance from denying persons the opportunity of becoming adoptive or foster parents solely on the basis of race, color, or national origin of either the adoptive or foster parent or the child involved. The Act also prohibits delaying or denying the placement of a child solely on that basis.

- 6) Will these proposed rules replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed rules contain incorporations by reference? No

- 9) Are there any proposed amendments to this Part pending? Yes

Section Number	Proposed Action	Illinois Register Citation
301.20	Amend	July 21, 1995 (19 Ill. Reg. 10349)
301.70	New	July 21, 1995 (19 Ill. Reg. 10349)
301.200	New	July 21, 1995 (19 Ill. Reg. 10349)
301.210	New	July 21, 1995 (19 Ill. Reg. 10349)
301.220	New	July 21, 1995 (19 Ill. Reg. 10349)
301.230	New	July 21, 1995 (19 Ill. Reg. 10349)
301.240	New	July 21, 1995 (19 Ill. Reg. 10349)

- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 301

PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
301.2 Definition (Repealed)
301.3 Foster Care Placement Goal (Renumbered)
301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

- 301.10 Purpose
301.20 Definitions
301.30 Introduction
301.40 Legal Authority to Place
301.50 Emergency Placement
301.60 Placement Selection Criteria
301.80 Relative Home Placement
301.90 Foster Family Home Care
301.100 Residential Care
301.110 Care in a Medical/Psychiatric Facility
301.120 Sharing Appropriate Information with the Caregiver
301.130 Medical Examinations for Children in Placement
301.140 Education of Children While in Placement

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section

- 301.310 Purpose
301.320 Foster Care Placement Goal
301.330 Plans to Achieve this Goal

APPENDIX A Criminal Convictions which Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

9438, effective July 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: PLACEMENT SERVICES

Section 301.60 Placement Selection Criteria

- a) All placement decisions will be made consistent with the best interests and special needs of the child. When a child is removed from the care of a custodial parent, the placing worker shall explore whether the racial ethnic parent would be a suitable caregiver for the child. If placement with the racial ethnic parent is not consistent with the best interests and special needs of the child or if the racial ethnic parent is not a suitable caregiver for the child, placement in substitute care shall be considered.

- b) Substitute care placement decisions consistent with the best interests and special needs of the child shall be made in consideration of the following:

- 1) the least restrictive setting appropriate for the child which most closely approximates a family;
- 2) placement within reasonable proximity to the child's home when the permanency goal is return home, and within the child's school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family;
- 3) the child's cultural, ethnic and racial background and the ability of prospective foster or adoptive parents to meet the needs of a child with this background; and ~~a home that is possible--most closely approximates the religious, racial, ethnic and cultural background of the child--and~~
- 4) placement, if the child is of American Indian heritage, according to criteria described in 89 Ill. Adm. Code 307, Indian Child Welfare Services.

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) TSection Numbers: Proposed Action:

302.300 Amend

4) Statutory Authority: 42 U.S.C.A. 5115a

5) A Complete Description of the Subjects and Issues Involved: The federal Department of Health and Human Services (HHS) has recommended to the Department that it amend its rule language regarding placement of children in homes that closely approximate the racial, ethnic and cultural background of the child. The language recommended by HHS complies more closely with the Multietnic Placement Act of 1994 which prohibits agencies receiving federal assistance from denying persons the opportunity of becoming adoptive or foster parents solely on the basis of race, color, or national origin of either the adoptive or foster parent or the child involved. The Act also prohibits delaying or denying the placement of a child solely on that basis.

6) Will these proposed rules replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? Yes

Section Number Proposed Action Illinois Register Citation

302.310 Amend July 21, 1995 (19 Ill. Reg. 10746)

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station # 222

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62701-1498

(217) 524-1983

TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.

13) This rule was not included on either of the 2 most recent agendas because: The Department had not received the Department of Health and Human Services' recommendations at the time it published its last regulatory agendas.

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services
302.50	

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

302.400 Successor Guardianship

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Implementation of the Family Preservation Act
302.510	Types of Intensive Family Preservation Services
302.520	Phase In Plan for Statewide Family Preservation Services
302.530	Time Frames
302.540	

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.300 Adoptive Placement Services

- a) Adoptive placement services are provided to children for whom family preservation or reunification efforts are unsuccessful or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

inappropriate. The child's need for a stable, nurturing and permanent home which meet the physical and emotional needs, and best interests of the child is the paramount factor which shall be considered when selecting an adoptive resource. The constellation of adoptive placement services includes:

- 1) placement of the child and arranging for adoption assistance, if indicated; and
 - 2) supervisory visits to evaluate the child's adjustment in the adoptive home prior to the legal finalization of the adoption; and
 - 3) ongoing counseling after finalization of adoption. This counseling is provided at the family's request for up to 3 months. However, it may be provided for a longer period if the family wants it and the Department determines that additional counseling is needed.
- b) The child's needs and best interests shall be the primary consideration when exploring adoptive resources for a child. When selecting an adoptive placement for a child, the factors to be considered shall include, but are not limited to:
- 1) the wishes of the child who demonstrates the maturity and cognitive ability to participate in the decision;
 - 2) the physical, mental, and emotional needs of the child;
 - 3) the child's need for stability and continuity of relationship with parent figures;
 - 4) the interaction between the child and the prospective adoptive parent;
 - 5) the prospective adoptive parent's ability to meet the physical, mental, and emotional needs of the child; and
 - 6) the child's cultural, ethnic and racial background and the ability of prospective adoptive parents to meet the needs of a child with this background. ~~the--ability--of--the--prospective adoptive--family--to--provide--an--environment--which--would--preserve the--child's--racial--ethnic--and--cultural--heritage--~~

c) Single parent adoptive placements are considered viable adoptive resources for children where the children's needs can be met by placement with a single parent.

d) When there is documentation that a child's developmental and emotional needs for continuity of care or stability can be met best through adoption by the current caretaker(s) the planning should proceed to adoption finalization.

e) Court ordered adoptive home studies shall be conducted by the Department for adoptions arranged by entities other than child welfare agencies only when the order emanates from an Illinois Court.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) Section Numbers: Proposed Action:
170.210 Amend
170.310 Amend
170.546 Amend
- 4) Statutory Authority: Section 2 of the Gasoline Storage Act (430 ILCS 15/2)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Office is updating Part 170 by amending Section 170.210(a) to reference 41 Ill. Adm. Code 180 which contains exceptions to the stated requirements for the underground storage of liquid motor vehicle fuels. Currently, Section 170.210(a) requires that flammable and combustible motor vehicle fuels must be stored underground at service stations and other locations where fuels are dispensed or delivered into the fuel tanks of motor vehicles. Part 180, since 1989, allowed for the storage and dispensing of motor vehicle fuels from aboveground storage tanks under certain conditions. The proposed modification to Section 170.210(a) will remove this existing contradiction. Also, the currently proposed amendments to Part 180 expand allowances for aboveground fuel dispensing tank installations to airport facilities.

Section 170.210(b) is being amended to allow the fueling of aircraft from a tank truck, at airport facilities, if done in accordance with the proposed amendments to Part 180. These amendments will allow for the fueling of aircraft only at airports to be done from a tank truck that meets the specific safety requirements contained in Section 180.23.

Additionally, Section 170.310 is being amended to stipulate that the fueling of aircraft at airport facilities in accordance with 41 Ill. Adm. Code 180.22 is an exception to the requirement for an Unattended Self-Service Permit issued by the Office of the State Fire Marshal.

This rulemaking amends Section 170.546 which restricts "service station" storage to underground storage tanks. "Service Station" is defined as any site where fuel dispensing occurs, whether public or private. Therefore, even though aboveground dispensing storage tanks for use in fueling at sites not open to the public have been allowed by 41 Ill. Adm. Code 180 since 1989, the corresponding prohibition against such activity found in Section 170.546 has never been modified. This amendment will recognize the currently allowed aboveground fuel dispensing storage tanks at private sites as well as the aboveground fuel dispensing tanks at airport facilities currently being proposed in 41 Ill. Adm. Code 180.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? These proposed amendments contain no incorporations by reference. While 41 Ill. Adm. Code 170 does contain several references to standards established by the National Fire Protection Association and the Underwriters Laboratories, these proposed amendments do not modify any of these references.

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate. These amendments are being made to remove discrepancies that either currently exist or will arise due to corresponding proposed amendments to 41 Ill. Adm. Code 180.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Airports and fixed-base operators

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: These amendments are being proposed to correspond with currently proposed amendments to 41 Ill. Adm. Code 180. The changes are necessary to remove

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

and eliminate contradictions that would exist between the two Parts when the proposed amendments to Part 180 are adopted. These amendments are being made through the joint effort of the Office of the State Fire Marshal and the Illinois Department of Transportation.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER
REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited (Repealed)
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks (Repealed)
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170.91	Labeling of Containers and Pumps
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AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill.

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Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: MISCELLANEOUS

Section 170.210 Deliveries from Portable Tanks Restricted

- a) All flammable and combustible liquid motor vehicle fuels must be stored underground at service stations and other locations where fuels are dispensed or delivered into fuel tanks of motor vehicles, except as provided in this Section and 41 Ill. Adm. Code 180. Occasional delivery of less than 6 gallons of fuel for emergencies (e.g., when a car or truck has run out of fuel) is allowed. Emergency deliveries of Class I, II and III liquid motor vehicle fuel shall be from approved containers as defined in Section 170.150(d)(7)(G) and (i).
- b) Dispensing or delivery of flammable or combustible motor vehicle fuels from tank trucks, tank wagons, or other portable tanks is prohibited except for:
 - 1) Agricultural use (farm use) as defined in Section 180.201r-and
 - 2) Construction sites for refueling construction equipment used only at the construction site (this exception does not apply to trucks or passenger cars which have license plates attached and may be driven to service stations);and
 - 3) Emergency deliveries; and-
 - 4) Airports for fueling of aircraft as defined in 41 Ill. Adm. Code 180.23.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 170.310 Unattended Self-Service Other Than Fleet Operations

Service stations which allow or permit the fueling of motor vehicles with Class I, II, or III liquids, by persons other than an owner or employee, without the presence of an attendant are allowed only at locations which have a valid "Unattended Self-Service Permit" issued by the Office (except as allowed by 41 Ill. Adm. Code 180.22 at airport facilities). Unattended "Self Service Permits" shall be issued for one year initially, and renewals shall be issued for two year intervals thereafter. "Unattended Self-Service Permits" shall not be issued to locations in counties with more than 1,000,000 in population. If a service station is to be operated as an unattended station during any portion of a day it will be deemed as requiring a permit for unattended operation and must meet such standards. Plans of the premises shall be submitted as required by Section 170.105.

- a) Equipment required for an unattended self-service permit:
 - 1) Dispenser control device (actuators and monitors) for use by customers to activate dispensing equipment.

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- A) Devices may use currency, coins, keys or cards to activate dispenser and pumps.
 - B) Card devices shall use magnetically coded, optically read or inductive coil cards to be inserted in a device to activate the pump.
 - C) All dispenser control devices must meet the standards of UL 1238 (1978) and shall be installed and maintained in accordance with the manufacturer's instructions. All wiring shall comply with NFPA 70 (1984), Chapter 5.
 - D) Motors of pumps to dispensing devices shall not have electrical current supplied to them unless and until the dispensing device is activated. The electric current to the motors of the pumps shall automatically terminate and not more than three (3) minutes after the flow of product has ceased. Electrical current to the pump motors shall be off at all other times.
- 2) Dispensing devices, remote pumps and hose nozzle valves must comply with this Part, and the following rules:
- A) Hose nozzles must meet the standards of UL 842 (1980) and:
 - i) Nozzles must be equipped with devices (e.g., wire or a spout anchor spring) designed to retain the nozzle spout in the vehicle fill pipe while refueling. Such devices must be in compliance with (UL) Standard 842 (1980), or be approved by Factory Mutual, as part of the nozzle assembly. The spout anchor spring shall be of the type recommended by the manufacturer of the hose nozzle valve and be installed and maintained in accordance with the manufacturer's recommendations.
 - ii) An automatic self-closing type nozzle with a latch hold open device must be installed as an integral part of the nozzle assembly, and must meet UL 842 (1980).
 - iii) Hose nozzle valves shall be of the type which will close automatically, independent of the latch-open device, upon loss of pressure in the dispensing system and in which the latch-open device may only be engaged when the dispensing system is under pressure.
 - iv) The nozzle must be designed and maintained to cease the flow of product if the nozzle falls from the fill pipe of the motor vehicle being fueled to the ground, as described in UL 842 (1980) Section 15.
 - B) Remote pumps serving dispensing devices shall meet the standards of UL 79 (1981) and shall be equipped with a leak detection device in accordance with paragraph 4-3.3 of NFPA 30A (1984) and shall be installed and maintained in accordance with the manufacturer's instructions.
 - C) Dispensing devices shall meet the standards of UL 87 (1982) and the following rules:
 - i) Devices shall be equipped with a secondary control

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- means in accordance with Paragraph 4-2.3 of NFPA 30A (1984).
- ii) Devices served by remote pumps shall be equipped with an emergency shut-off valve meeting the standards of UL 842 (1980) and which shall comply with paragraph 4-3.6 of NFPA 30A (1984).
 - iii) Devices shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.
 - iv) Dispensing devices shall be bolted to their mounting surface in accordance with the manufacturer's instructions.
 - v) Devices shall be wired in accordance with Chapter 5 of NFPA 70 (1984) and shall be installed and maintained in accordance with the manufacturer's instructions.
 - vi) An emergency breakaway device shall be installed on each hose at all dispensing devices available for self service of Class I, II and III liquids. The breakaway device shall be designed to retain liquid on both sides of the breakaway point, and shall be installed and maintained in accordance with the manufacturer's recommendations.
- 3) Emergency Electrical Controls shall be provided and shall comply with the following rules:
- A) A Master Electrical shut-off switch or circuit breaker shall be provided at a location not less than 20 feet from the nearest nor more than 100 feet from the farthest dispensing device for unattended self-service and shall:
 - i) Be visible from all unattended self-service dispensing device locations on the premises. If installation of a single switch or circuit breaker does not achieve compliance with this visibility requirement, duplicate switches or circuit breakers shall be required by the Office to achieve compliance.
 - ii) Terminate electric power to all dispensers, pumps and dispenser control devices on the premises, including neutral conductors and low voltage control wiring.
 - iii) Be of such a type or installed in such a way, that it may only be reset manually with a key which shall be kept in the custody of the unattended self-service station owner or an employee of the owner or, alternatively, the resetting device shall be kept in a secured area accessible only by key or other device which is kept solely in the custody of the owner or employee of the owner. (Club members, card holders and other persons utilizing the station may not have access to the mechanism necessary to the resetting of the master electrical control).

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- B) In addition to the Master Electrical Shut-off required in subsection (a)(3)(A) above, additional emergency electrical controls shall be provided at each group of dispensers or pumps served by a single dispenser control device. Such additional controls may, at the option of the owner be an integral part of the dispenser control device assembly. The device shall, when activated, terminate all electrical power to all dispensing devices or pumps which are served by that dispenser control device. Stations with only one island may elect to utilize only a master electrical control located at the dispenser control device meeting the requirements of subsection (a)(3)(A) above.
 - C) The emergency electrical controls required by this section shall, at all times, be identified by a sign constructed of all weather material which shall state, in letters not less than 1" in height, "EMERGENCY SHUT OFF SWITCH". Lettering shall contrast with the background material of the sign. The sign shall be mounted in place with the bottom of the sign not less than five (5) feet above the ground.
 - D) Resetting the Master Electrical Shut-off required by this section shall be accomplished only after the condition which caused it to be activated has been corrected.
 - E) Power for illumination of dispensing areas required by this section shall not be affected by activation of any of the Emergency Electrical Controls.
 - F) Activation of a Master Electrical Shut-off shall transmit an alarm as required in subsection (4)(A)(iii) and subsection (4)(B)(iv) below.
 - G) A sign shall be placed at or near the Master Electrical Shut-off stating that activation of the Master Electrical Shut-off "transmits a fire alarm to the fire department".
- 4) Fire detection, control and suppression equipment must meet either A or B of the following (note: local governments may require option A or option B):
- A) Unattended dispensing areas for Class I, II and III liquid motor fuels utilizing this option shall be protected by an automatic fire suppression system(s) meeting the standards of UL (1985), UL 300 A (1982) and NFPA 17 (1985). If a fire suppression system meeting these requirements is installed, no fire extinguishers are required. The fire suppression system and which shall:
 - i) automatically activate the Master Electrical Shut-off
 - ii) sound a local alarm notification device audible throughout the dispensing area and meet the standards of NFPA 72G (1985).
 - iii) automatically transmit an alarm signal to the fire department which provides fire protection service to

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the service station property. The method of alarm transmission to the fire department shall meet the standards of one of the following: NFPA 71 (1985); NFPA 72B (1979); NFPA 72C (1985); or NFPA 72D (1979).

iv) If a fire suppression system meeting these requirements is installed, no fire extinguishers are required:

v) In the event of a system discharge, not be returned to service until the suppression system is recharged and fully operational in the area protected by the system.

v) Fire suppression system design shall include extinguishing agent discharge nozzles mounted above dispensers, and at or near ground level to discharge agent underneath vehicles being fueled. Suppression systems that are not listed by UL for ground level discharge should have ground level discharge nozzles installed by January 1, 1987; overhead nozzles shall be installed prior to issuance of a permit.

B) Unattended dispensing areas for Class I, II and III motor vehicle fuels electing this option shall have a fire detection system located under a weather enclosure (canopy) and hand held portable fire extinguishers which shall:

- i) Detect a fire in the dispensing area through the use of rate compensation, rate of rise or flame sensing detectors, and the installation must meet the requirements of NFPA 72E (1982); and
- ii) automatically activate the Master Electrical shut-off.
- iii) sound a local alarm notification device audible throughout the dispensing area and meet the standards of NFPA 72G (1985).

iv) automatically transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of one of the following: NFPA 71 (1985); NFPA 72B (1979); NFPA 72C (1985); or, NFPA 72D (1979).

v) If an automatic fire suppression system is not installed, fire extinguishers meeting the requirements of Section 170.145 shall be installed and maintained at each island and at the master electrical shut-off. Cabinets, or other enclosures for extinguishers, shall not require breaking of glass or other act(s) which could injure users attempting to access the extinguishers; doors, panels and local alarm systems may be provided at the owner's option.

5) At all times instructions shall be posted in all weather materials by each actuator. These instructions shall be mounted not less than four feet nor more than six feet six inches from

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the bottom of the sign to the ground, and give the following information in letters not less than 1" in height:

- A) No smoking
- B) Turn off engine
- C) Containers for gasoline must be red.
- D) Containers for kerosene must be blue. It is dangerous and unlawful to fill unapproved containers with gasoline, diesel or kerosene. All containers must be metal or stamped with the marking "Conforms to or meets ANSI/ASTM D3435-83", or "UL" or "FM".

E) In case of fire or spill use emergency shut-off (or stop) button located at (owner must insert the locations of the emergency shut-offs); Master Electrical Shut-off transmits fire alarm to fire department.

b) Inventory records must be maintained and available for inspection by personnel of the Office. Applications for unattended self-service shall contain the name(s), address(s) and telephone number(s) of the person(s) the Office can contact for the inventory emergency reconciliations.

- 1) Emergency reconciliations shall be available on two hours notice by telephone or in person.
- 2) Records must be maintained showing the date, time of purchase (or delivery), amount of product, type of product, and name (or account number which can identify a name) for other than coin and currency sales for each purchase or delivery of product. Records must be maintained for one year and be available in the same manner as inventory records. These records may be maintained electromagnetically, provided that the owner or operator can provide a printout when requested.
- c) Dispensing devices or actuators must limit the delivery of product in such a manner as to require the reactivation of the latch open (hold-open) device to the following:

1) Motor vehicle fuels (Class I, II and III)

A) Class I liquids (gasoline, gasahol, ethanol, motor fuel blends) - maximum 50 gallons.

B) Class II and III liquids (diesel fuel) - maximum 250 gallons.

2) Kerosene (grade K-1 only) - 6 gallons.

3) Other Class I, II and III liquids - 6 gallons.

d) When kerosene is to be dispensed at unattended service stations, only grade K-1 kerosene shall be dispensed. All dispensing shall be from underground tanks. Kerosene dispensers shall not be located on the same island with other Class I, II or III liquids. Labeling of dispensers shall comply with the Space Heating Safety Act [425 ILCS 65] (1989, Ch. 127-1/2, par. 701-1 et seq.).

e) The Office of the State Fire Marshal shall, for failure to comply with these rules, for violation thereof, or for violation of any applicable federal, state or local laws, statutes, ordinances, rules or

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regulations, refuse to issue, refuse to renew or suspend or revoke a self-service station permit. The Office of the State Fire Marshal shall revoke such permit for flagrant, repeated and/or serious violations of these rules. The Office of the State Fire Marshal shall serve notice of such refusal, suspension or revocation on the applicant for or holder of such permit by personal service or by certified or registered mail. The applicant for or holder of such permit may, within 10 days after notice of such refusal, suspension or revocation is served, file in the Office of the State Fire Marshal written request for a hearing. Such hearings shall be governed by Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] ~~§§11-Rev-Stat-1985-1487-pars-3-101-et-seq-1~~. Any order or decision made by the Office of the State Fire Marshal based upon such hearing shall be an "administrative decision" within the meaning of the Administrative Review Law [735 ILCS 5/Art. 3]. ~~§§11-Rev-Stat-1985-1487-pars-3-101-et-seq-1~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS

Section 170.546 UST Restrictions at Service Stations

- a) Service station storage shall be underground, and the capacity of any single underground storage tank for petroleum shall not exceed 20,000 gallons. (See 41 Ill. Adm. Code 180 "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" for exclusions.)
- b) The total aggregate storage at service stations of petroleum shall be limited by the ability to achieve and maintain clearances to basements, sewers, property lines and special classes of property, in accordance with Sections 170.420 and 170.422, and clearance between tanks is a minimum of 12 inches.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils
- 2) Code Citation: 41 Ill. Adm. Code 180
- 3) Section Numbers:
- | | |
|--------|-------------|
| 180.10 | Amend |
| 180.20 | Amend |
| 180.22 | New Section |
| 180.23 | New Section |
- 4) Statutory Authority: Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Office is updating this Part by, among other things, amending Part 180 to include definitions pertinent to airport facility fuel dispensing. Section 180.10 now includes definitions of "aircraft", "airport", "aviation fuel", and the identification of the term "Division" as the Illinois Department of Transportation's (IDOT's) Division of Aeronautics. The Office is also proposing to amend Section 180.20 pertaining to the dispensing of fuel from aboveground storage tanks to allow for such dispensing on a retail basis at airports.

This Part currently restricts the installation and use of aboveground storage tanks when used to dispense fuel into motor vehicles. Additionally, the rules currently prohibit the use of aboveground storage tanks for motor vehicle fuel dispensing at sites that are open to the public. This Part does not presently list airports among the facilities where aboveground dispensing is allowed. This Part allows fueling to be done from an aboveground storage tank at agricultural storage sites limited to farms, tree nurseries, fish farms, tree farms, sod farms or orchards; commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with business; and, finally, on construction sites when used for refueling construction equipment.

The Office is also proposing to add a new Section, Section 180.22, which addresses retail dispensing from aboveground tanks at airports. Section 180.22 requires that airports proposing the installation of such aboveground fuel dispensing storage tanks receive special permit approval from the Illinois Department of Transportation's Division of Aeronautics as well as the Office of the State Fire Marshal. The new provisions require that both agencies inspect and approve such installations initially, with an annual inspection required by the Division of Aeronautics for continued approval. This new Section also requires that such retail fueling from aboveground storage tanks at airports be

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accomplished by individuals certified by the Division of Aeronautics in the proper fueling of aircraft. Additionally, this Section specifies requirements for the installation and operation of aboveground fuel dispensing tanks at airport facilities, by:

limiting installations to a maximum of two (2) such tanks per facility, with a maximum storage capacity of 10,000 gallons per tank, and, therefore, 20,000 gallons per facility. This proposed increase in storage capacity at airports, when compared with currently allowed storage capacities of 5,000 total gallons at other aboveground dispensing installations is based upon the fuel capacity needs of aircraft in comparison to automobiles/trucks, as well as the agency's consideration of comments from potential owners of such aboveground airport fueling tanks that an "economy of scale" issue is pertinent since additional costs are incurred by the tank owner when truck loads of under 8,000 gallons are delivered;

setting specific setback distances between aboveground fuel storage tanks and mines, places of public assembly, buildings, sewer or septic fields, property lines, and other flammable or combustible stored liquids;

requiring that such aboveground tanks be listed in accordance with Underwriter's Laboratories Standard #2085 *Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids*. This standard requires that tanks be provided with a minimum fire resistance of 2-hours;

requiring that used aboveground storage tanks be re-certified before re-use through specified acceptable methods, including hydrostatic testing, recertification by the original tank manufacturer, or documentation by a registered professional engineer;

requiring that the tanks be equipped with secondary containment, overfill protection and spill containment devices;

requiring that the tanks be equipped with regular and emergency venting;

requiring that permanently connected pumping devices listed by Underwriter's Laboratory or Factory Manual Engineering be used in such installations;

requiring the proper electrical grounding of aircraft during fuel operations;

requiring that aboveground storage tanks be marked with the type of product they contain in letters and signs of prescribed size;

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requiring that fueling locations have proper fire safety warning signs;

requiring that fueling locations be equipped with fire extinguishers of prescribed types and capacities;

limiting dispenser control devices to those activated by keys or cards, and specifically prohibiting the use of coins or currency as a method of activation;

requiring pumping and dispensing devices to meet all calibration and metering requirements of the Illinois Department of Agriculture and the Illinois Department of Revenue.

Section 180.23 is added to allow the fueling of aircraft at airport facilities to be done from tank trucks if the operation is conducted in accordance with National Fire Protection Association Standard #407 *Standard for Aircraft Fuel Servicing* (1990 edition). Fueling of vehicles from tank trucks is strictly regulated by 41 Ill. Adm. Code 170 "Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances". Specifically, Section 170.210 does not currently recognize aircraft at airport facilities as a type of vehicle that may be fueled via tank truck. Therefore, in consideration of the proposed amendment to Part 180 that would allow aircraft to be fueled from a tank truck, a corresponding modification has been proposed to Section 170.210 to identify aircraft at airport facilities as being included among the types of vehicles that are allowed to be fueled from a tank truck.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? Yes. These conform to Section 5-75(a) of the IAPA.

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate. This rulemaking has no adverse effect on local governments, small municipalities or not-for-profit organizations. The proposed amendments to 41 Ill. Adm. Code 180 are being made to expand the allowable methods of dispensing fuel into aircraft at airports from aboveground storage tanks as well as from tank trucks that meet the safety requirements proposed herein. Units of local government that own airports will, therefore, benefit from this rule change.

11) Time, Place and Manner in which interested persons may comment on this

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Proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Office of the State Fair Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693

Comments received within forty-five days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Airports and fixed-base operators at those airports.
- B) Reporting, bookkeeping or other procedures required for compliance: Owners of aboveground dispensing tanks must apply for permission from both the Office of the State Fire Marshal and the Illinois Department of Transportation's Division of Aeronautics for the initial installation of aboveground dispensing storage tanks. Annual reinspections are then to be conducted by the Division of Aeronautics. No fee for application review and/or on-site inspection is being proposed by either the OSFM or IDOT.
- C) Types of professional skills necessary for compliance: The services of a registered professional engineer may be required when a previously used aboveground tank is to be installed at an airport. Recertification of the tank's condition is required, and documentation of such recertification by a registered professional engineer is one of the acceptable methods of meeting this requirement.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is being proposed by the Office of the State Fire Marshal at the request of the Illinois Department of Transportation which has identified the need for the fueling operations and facilities that would be allowed by the proposed amendments.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 180

STORAGE, TRANSPORTATION, SALE AND USE OF
GASOLINE AND VOLATILE OILS

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AUTHORITY: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Gasoline and Volatile Oils - General Rules, filed July 10, 1958; amended July 23, 1965 and April 14, 1977; codified at 5 Ill. Reg. 10695; emergency amendment at 8 Ill. Reg. 24744, effective December 7, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 12719, effective August 12, 1985; emergency amendments at 13 Ill. Reg. 1875, effective January 27, 1989, for a maximum of 150 days; emergency amendments at 13 Ill. Reg. 1875, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 14978, effective September 7, 1989; amended at 19 Ill. Reg. _____, effective _____.

Section 180.10 Definitions

"Aircraft" means any device used or designed to carry humans in flight as defined in 92 Ill. Adm. Code 14. All devices required to be licensed as "aircraft" by the Federal Aviation Administration are "aircraft".

"Airport" means any area of land, water or both, except a restricted

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land area, which is designed for the landing and take-off of aircraft, regardless of whether buildings are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for aircraft, or other airport buildings, and all appurtenant rights of way, whether heretofore or hereafter established.

"A.P.I." means American Petroleum Institute.

a† "ASTM" --- means American Society for Testing and Materials.

"Aviation Fuel" means any petroleum or alcohol based liquid used in aircraft engines.

b† "Bulk storage" means the storage of flammable or combustible liquid in an aboveground tank that is not for dispensing purposes. If an aboveground tank is used for any bulk storage purposes, it is classified as a "bulk storage tank" for the remainder of the calendar year in which it was so used.

c† "Combustible liquid" means a liquid having a flash point at or above 100° F. Combustible liquids shall be subdivided as follows:

1† Class II liquids shall include those having flash points at or above 100° F and below 140° F;

2† Class IIA liquids shall include those having flash points at or above 140° F and below 200° F; and

3† Class IIB liquids shall include those having flash points at or above 200° F.

d† "Container" means any vessel of 60 U.S. gal. or less capacity used for transporting or storing liquids.

e† "Dispensing", for the purposes of Part 180, means the activity of transferring a flammable or combustible liquid from an aboveground storage tank to a vehicle, mobile equipment, engine or motor for use as fuel by them; "dispensing" also includes such transference into a receptacle.

"Division" means Illinois Department of Transportation, Division of Aeronautics.

f† "Facility" means any location or site within a single perimeter (including all contiguous land and structures, and other appurtenances and improvements) where there is storage of flammable or combustible liquids.

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g† "Flammable liquid" means a liquid having a flash point below 100° F and having a vapor pressure not exceeding 40 lbs. per sq. in. (absolute) at 100° F. Any flammable liquid shall be known as a Class I liquid; Class I liquids shall be subdivided as follows:

1† Class IA shall include those having flash points below 73° F and having a boiling point below 100° F;

2† Class IB shall include those having flash points below 73° F and having a boiling point at or above 100° F; and

3† Class IC shall include those having flash points at or above 73° F and below 100° F.

h† "Flash point" means the minimum temperature at which a liquid gives off vapor in sufficient concentration to form an ignitable mixture with air near the surface of a liquid within the vessel, as specified by test procedure and apparatus as follows:

1† The flash point of a liquid having a viscosity less than 45 Saybolt Universal Seconds (SUS) at 100° F and a flash point below 200° F shall be determined in accordance with ASTM D 56-87 (Standard Method of Test for Flash Point by the Tag Closed Tester Standard-Method-of-Test-for-Flash-Point-by-the-Tag-Closed-Tester (1987));

2† The flash point of a liquid having a viscosity of 45 SUS or more at 100° F or a flash point of 200° F or higher shall be determined in accordance with ASTM D 93-85 (Standard Method of Test for Flash Point by the Pensky-Martens Closed Tester Standard-Method-of-Test-for-Flash-Point-by-the-Pensky-Martens-Closed-Tester (1985));

3† As an alternate, ASTM D 3828-87E1 (Test Method for Flashpoint by Setafash Closed Tester Test-Method-for-Flashpoint-by-Setafash-Closed-Tester) (1987) may be used for testing aviation turbine fuels within the scope of this procedure;

4† As an alternate, ASTM D 3278-87E1 (Test Method for Flash Point of Liquids by Setafash Closed-Cup Apparatus Test-Method-for-Flash-Point-of-Liquids-by-Setafash-Closed-Cup-Apparatus) (1987) may be used for paints, enamels, lacquers, varnishes, and related products and their components having flash points between 32° F and 230° F, and having a viscosity lower than 150 Stokes at 77° F; or

5† As an alternative alternate, ASTM D 3828-87E1 (Test Method for Flashpoint by Setafash Closed Tester Test-Method-for-Flashpoint

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by-Setaflash-Closed-Tester) (1987) may be used for materials other than those for which specific Setaflash Methods exist (cf., ASTM D3278-87E1 Test Method for Flash Point of Liquids by Setaflash Closed-Cup Apparatus Test-Method-for-Flash-Point-of-Liquids-by-Setaflash-Closed-Cup-Apparatus) (1987) for paints, enamels, lacquers, varnishes, related products and their components).

†† "Liquid" means material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with ASTM D-5-86 (Test for Prevention for Bituminous Materials Test-for-Prevention-for-Bituminous-Materials) (1986). When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.

†† "NFPA" - National Fire Protection Association.

"U.L." - Underwriters Laboratories, Inc.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 180.20 Aboveground Storage - Dispensing

a) Storage of Class I, II or III liquids (except kerosene) shall be in accordance with 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 170 except aboveground storage for dispensing may occur at the following facilities under the following circumstances:

- 1) Agricultural storage, which is limited to farms, tree nurseries, fish farms, tree farms, sod farms or orchards;
- 2) Storage at commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business;
- 3) Storage at construction sites for refueling construction equipment; or

4) Storage at airports as addressed in Section 180.22 of this Part.

b) Dispensing at the facilities specified in subsection (a)(2) or ~~7~~ (3) ~~or (4)~~ shall only be in accordance with the following:

- 1) An ~~After--an~~ inspection of the premises and operations has been made and approval granted by the Office of the State Fire Marshal (approval shall be granted if curb pumps are not present and if pumps are not located in any portion of a public roadway);
- 2) The dispensing is done on premises not open to the public;
- 3) The tanks are safeguarded against collision, spillage or overflow to the satisfaction of the authorities having jurisdiction;
- 4) Each tank system is listed or approved for such aboveground use by the Office of the State Fire Marshal; in granting such approval, the Office shall consider the following elements: leaks, compatibility of the tank and line with the

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product contained in the tank, whether any equipment has been recalled by the manufacturer, whether wiring at the dispensing location is in a rigid metal conduit within a radius of 30 feet and is otherwise in compliance with the National Electric Code ~~National-Electrie-Code~~ (NFPA 70) 1987 (no subsequent dates or editions) and whether the dispensing location has seal-offs at all connections;

5) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;

6) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation. ~~They--such~~ vent shall have a minimum unobstructed opening of one and one-half inches in diameter and the vent shall be elevated to a height of at least four feet (unless directed in writing by the Office of the State Fire Marshal to a greater height, based on construction characteristics of the tank and fire safety considerations) or ~~unless in-which~~ approval in writing for a lower height is granted by the Office of the State Fire Marshal, ~~such--approval--to--be~~ based upon construction characteristics of the tank in question or unique physical conditions that prevent a vent of that height from being installed;

7) Tanks shall be equipped with a permanently connected pumping device listed by Underwriters Laboratories (UL) (as printed on page 4 of the Fire Protection Equipment Directory ~~Fire-Protection Equipment--Directory~~ published by Underwriters Laboratories, January 1988 (no subsequent dates or editions)) or FM Engineering (as printed on page ii of the Factory Mutual System Approval Guide ~~Factory-Mutual-System-Approval--Guide~~ 1989 published by Factory Mutual Research Corporation, 1989 (no subsequent dates or editions)). ~~They--the~~ pump shall be equipped with a padlock to prevent tampering. ~~An--an~~ antiphoning device shall be included in the pump discharge and siphons or internal pressure discharge devices are prohibited. Gravity-gravity method of discharge is prohibited;

8) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product ~~which~~ they contain and "FLAMMABLE - KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked;

9) Except as provided in Section 180.22 of this Part, a maximum of two aboveground tanks per facility of up to 2,500 gallons each shall be allowed for storage of flammable or combustible liquids, provided such liquid is stored outside buildings in a tank(s) constructed throughout of steel and made vapor tight (as determined by such tests as a pressure test and volumetric test). ~~Tanks--tanks~~ shall be designed and constructed according to standards specified in 41 Ill. Adm. Code 160.15, 160.70-160, 160.80-240; and

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- 10) Tanks ~~as provided in this subsection~~ shall be kept outside and at least 30 feet from any building or combustible or flammable stored liquid or liquid petroleum and shall be so located, or such additional distance to buildings shall be provided, to insure that no vehicle, equipment or vessel being filled directly from any such tank shall be closer than 30 feet to any building, combustible or flammable stored liquid, liquid petroleum (LP) gas tank or property lines, except that a tank protected within a two-hour fire resistant enclosure (the time, in minutes or hours, that materials or assemblies have withstood a fire exposure as established in accordance with the test procedures of NFPA 251, Standard Methods of Fire Tests of Building Construction and Materials Standard Methods of Fire Tests of Building Construction and Materials, 1985 (no subsequent dates or editions)) may be located adjacent to a structure after a request in writing to construct such an enclosure has been submitted to the Office of the State Fire Marshal and the Office has issued an approval acknowledgement in writing.⁷

- c) Dispensing at facilities specified in subsection (a)(1) shall only be in accordance with the following:

- 1) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
 - 2) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation; such vent shall have a minimum unobstructed opening of one and one-half inches in diameter;
 - 3) Tanks shall be equipped with a permanently connected pumping device; the pump shall be equipped with a padlock to prevent tampering; an effective antiphoning device shall be included in the pump discharge; and siphons or internal pressure discharge devices are prohibited;
 - 4) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product which they contain and "FLAMMABLE -- KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked; and
 - 5) A maximum of two aboveground tanks per facility of up to 2,500 gallons each shall be allowed for storage of flammable or combustible liquids, provided any such liquid is stored outside buildings in a tank constructed throughout of steel and made vapor tight.
- d) Storage of kerosene inside buildings.
- 1) At a facility, for personal or private use, a maximum of 12 gallons of kerosene inside buildings may be stored aboveground in containers which meet the requirements of NFPA 30 (Flammable and Combustible Liquids Code Flammable and Combustible Liquids--Code) (1987).
 - 2) Sixty gallons or less may be stored in an aboveground tank at a facility for retail trade within a building, providing storage is

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in compliance with the following:

- A) Storage is in a tank of at least 14 gauge steel or aluminum;
 - B) Tank shall sit in a metal pan extending at least eight inches beyond the sides and rear of the tank and 18 inches beyond the front;
 - C) The tank shall be located on the first floor in an area supplied with natural light and ventilation;
 - D) The room or area where the tank is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test Fire-Endurance-Test) (1989);
 - E) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the kerosene;
 - F) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in contrasting color.
- 3) Sixty gallons or less may be stored in a metal drum at a facility for retail trade within a building, providing storage is in compliance with the following:
- A) The metal drum shall be stored in a storage cabinet that meets the requirements of 49 CFR Chapter I (1987);
 - B) The storage cabinet shall sit in a metal pan extending at least eight inches beyond the sides and rear of the storage cabinet;
 - C) The room or area where the storage cabinet is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test Fire-Endurance-Test) (1989 1988); and
 - D) The design and construction of storage cabinets, except as otherwise provided in this subsection (d)(3), shall be in compliance with 4-3 of NFPA 30 (Flammable and Combustible Liquids Code Flammable and Combustible Liquids--Code) (1987).
- 4) Factory-sealed containers of 1-K grade kerosene may be stored at a facility for retail trade within a building in compliance with ASTM F 976-86 (Portable Kerosene Containers for Consumer Use Portable--Kerosene--Containers-for-Consumer-Use) (1986) and 4-5.5 of NFPA 30 (Flammable and Combustible Liquids Code Flammable and Combustible Liquids--Code) (1987).
- e) Storage of kerosene outside buildings shall be in accordance with 41 Ill. Adm. Code 160 and 170 41-III-Adm--Code-160--and--170, except a maximum of 550 gallons of kerosene may be kept aboveground at a

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facility (including at service stations) in a tank or tanks of 550 gallons or less capacity under the following conditions:

- 1) When located at a service station, the dispensing tank shall be in a location at least eight feet away from driveways and other areas used by vehicles for customers or to deliver products;
- 2) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the product;
- 3) The tank shall be a skid tank or on a noncombustible base and the area under the tank and for 24 inches in all directions shall be either paved or covered with gravel and kept free of vegetation and combustible material;
- 4) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in a contrasting color;
- 5) The dispensing nozzle or spigot of the tank shall be locked when the kerosene is not being dispensed; and
- 6) The kerosene may only be dispensed by the owner, lessor or lessee of the facility, or their employees; no self-service of kerosene from an aboveground tank shall be allowed.

f) Kerosene Labeling.

- 1) A sign with the following caution shall be posted at the point of sale and the dispensing point: "Caution Portable Unvented Kerosene Heaters Must Only Be Fueled With Grade 1-K Kerosene." This sign shall be of all-weather material and not less than 12" x 18" in size with letters at least one inch high on a contrasting background; and
- 2) Where other grades of kerosene than 1-K are offered for sale, the grade of kerosene shall be identified at the point of sale or dispensing.
- g) Any spill of Class I, II or III liquids in excess of 25 gallons at any facility at which they may be dispensed pursuant to this Section 180-207 shall be reported to the Illinois Emergency Management Services-and-Divester Agency within 24 hours after of such spill.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 180.22 Retail Dispensing from Aboveground Tanks at Airports

- a) Only those airports regulated by the Illinois Department of Transportation, Division of Aeronautics that have received special permit approval from the Division and the State Fire Marshal and that are open to the public shall be allowed to dispense fuel for retail purposes from aboveground storage tanks into aircraft. Subject to the following, only one aboveground retail dispensing installation shall be allowed per airport:

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- 1) All tanks and dispensers shall be inspected and approved by the Division and the Office of the State Fire Marshal. An annual inspection by the Division will be required for continued approval;
- 2) Where applicable, all installations shall receive documented approval from the local jurisdictional authority (i.e., Zoning Board, Board of Supervisors) prior to installation;
- 3) All retail fueling shall be accomplished by individuals certified by the Division as being currently trained in the proper fueling of aircraft. The certificate shall be for a limited period of time and may be revoked for good cause by either the Office of the State Fire Marshal or the Division. All passengers and crew are required to deplane prior to refueling;
- 4) All setback standards required by the Division must be met;
- 5) Tank installation sites, including tanks and dispensing devices, must meet the setback distances listed below. The aircraft being fueled must also comply with these setback distances:
 - A) 300' from a mine or air escapement;
 - B) 85' from any place of public assembly;
 - C) 30' from any building;
 - D) 30' from any sewer or septic field;
 - E) 30' from any property line; and
 - F) 30' from any combustible or flammable stored liquids (other than the other aboveground aviation fuel storage tank allowed at the facility) or liquefied petroleum gas storage;
- 6) No installation shall include more than two tanks with a total capacity of 10,000 gallons each or more than two compartments per tank. Such tanks shall have double walls and be listed in accordance with U.L. Standard 2085, Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids (1st edition - 1994), for aboveground use. The tanks shall have a minimum two hour fire rating and be placed on a noncombustible base. Used tanks must be U.L. 2085 listed and re-certified prior to installation. Allowable methods of re-certification shall include: successful completion of a hydrostatic test; documentation of re-certification by the original manufacturer; or documentation from a registered professional engineer verifying the tank's safe condition. Sites shall be free of vegetation and combustible materials for a radius of 30' surrounding the tanks. If the site is subject to flooding, the tanks shall be protected against floatation. Wiring shall be in accordance with the National Electrical Code (NFPA 70 - 1990) for hazardous locations and enclosed in rigid metal conduit within a radius of 30' of the tanks and dispensers shall have seal-offs at all connections;
- 7) Spill containment shall be provided for dispensers. Dispensers shall be equipped with breakaway and shear valves. Barriers shall be provided to protect the tanks, pumps, dispensers and

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vents from collision damage from aircraft, motor vehicles or aircraft wings by such means as raised curbs or guard rails;

8) Aircraft fueling hose shall comply with the requirements of A.P.I. Bulletin 1529 (Fourth Edition - 1993). Hose lengths greater than 18' shall be contained on mechanically retractable reels and in no case exceed 50' unless approved by the Division and the Office of the State Fire Marshal. All dispensing nozzles must be equipped with automatic closure devices that meet the requirements of U.L. Standard 842, Valves for Flammable Liquids (7th edition - 1993), and those approved by the Federal Aviation Administration;

9) Storage tanks must be top filled, equipped with overflow protection and closures designed to be locked at all times during non-use. Remote tank filling shall be allowed in accordance with subsection (a)(11) of this Section;

10) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operations. Such vent will have a minimum unobstructed opening of one and one-half inches in diameter, but shall in no case be smaller than the fill pipe diameter. The vent shall be elevated to a height of at least four feet above the fill port of the tank. Vent openings shall be provided with an updraft device with 40 gauge screening. Manifolding of tank vents shall not be allowed. Emergency venting shall also be provided to safeguard tanks during exposure to fire. The size of emergency venting shall be in accordance with NFPA Standard 30, Flammable and Combustible Liquids Code (1993);

11) Tanks shall be equipped with a permanently connected pumping device listed by Underwriter's Laboratory or Factory Mutual Engineering. The pump shall be located no further than 5 feet from the tanks and equipped with a padlock or electrical disconnect to prevent tampering, except that remote dispensing devices shall be allowable for purposes of safeguarding airport runways and areas intended for aircraft use only from the presence of tank trucks used to refuel the aboveground storage tanks at the site. In such cases, remote dispensing devices and tank fill piping shall be allowed if all other safety requirements of this Section are met. An emergency shut-off device shall be located at the dispenser. An anti-siphon device shall be installed at the pump discharge or at the tank exit. Siphons, internal pressure discharge devices, and gravity methods of dispensing are prohibited. No underground piping, manifolding of supply lines, or connections to bulk tanks shall be allowed;

12) Grounding of dispenser to the aircraft and aircraft to ground must be providing during all fueling operations. Grounding cables must be contained on retractable reels and connected to 1/2" diameter copper clad grounding rods driven at least 8' into the ground;

13) Tanks for the storage of flammable or combustible liquids shall

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be marked with the name of the product they contain and "Flammable (or Combustible) - Keep Fire and Flame Away", both in letters at least four inches high and in contrasting colors from the tank. The tank shall also have signs at least 10-3/4" by 10-3/4" showing the international symbol for flammable or combustible liquids;

14) All fueling locations shall have "No Smoking, Stop Engines" and "Prior to Fueling Turn Off All Electrical or Heating Devices" (e.g., radar, deicing equipment) and "All Passengers and Crew Must Deplane" signs with letters at least 4" high;

15) At least two Class B type fire extinguishers, providing a rating of 40-B each, shall be accessible at the site within a maximum travel distance of 30' from the dispensing location. The extinguishers shall be maintained in accordance with NFPA 10, Portable Fire Extinguishers (1994). Portable extinguishers are allowed to be stored in glass covered cabinets as a deterrent to theft;

16) No defueling of aircraft into tanks shall be allowed;

17) No rooftop installations shall be allowed;

18) Dispenser control devices may use keys or cards to activate dispenser pumps. Coin and currency activation is prohibited;

19) No fueling shall be done when there are lightning flashes in the immediate vicinity of the airport;

20) Pumping and dispensing devices shall meet all calibration and metering requirements of the Illinois Department of Agriculture and the Illinois Department of Revenue;

21) All retail airport aboveground dispensing tank installations shall be owned and controlled by the airport certificate holder and may be operated by its designee.

b) Failure to comply with the provisions of subsection (a) of this Section shall be grounds for revocation of the permit for the airport fueling facility.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 180.23 Fueling of Aircraft from Tank Trucks

Fueling of aircraft from tank trucks shall be allowed at airport facilities as defined in Section 180.10 of this Part if the tank truck and fueling operations are in compliance with NFPA 407, Standard for Aircraft Fuel Servicing (1990).

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Child Labor Law

2) Code Citation: 56 Ill. Adm. Code 250

3) Section Number: Proposed Action:

250.105 Amendment

4) Statutory Authority: Child Labor Law, 820 ILCS 205/16

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will correct a citation error, update the regulations under the Child Labor Law, 820 ILCS 205, and adjust the Illinois Department of Labor's administration and enforcement of the Act accordingly by removing family relations from the definition of the term "employed".

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This proposed rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: In writing, within 45 days of the publication to:

Scott D. Miller, Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, IL 60601
(312) 793-5261

12) Initial Regulatory Flexibility Analysis:

A) Type of small business, small municipalities and not for profit corporations affected: The proposed rulemaking will affect small business, as defined by Section 1-75 of the Illinois Administrative Procedure Act, 5 ILCS 100/1-75.

B) Reporting, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: None

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13) This rule was not included on either of the 2 most recent agendas because: This proposed rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed rulemaking begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER I: DEPARTMENT OF LABOR
 SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 250

ILLINOIS CHILD LABOR LAW

SUBPART A: DEFINITIONS

Section

250.100 Definition of the Act
 250.105 Definitions
 250.110 Minor (Repealed)
 250.115 Agriculture (Repealed)
 250.120 Week (Repealed)
 250.125 Work (Repealed)
 250.130 Time Record (Repealed)
 250.135 Premises (Repealed)
 250.140 Suffer (Repealed)
 250.145 Garage (Repealed)
 250.150 Employer and All Interested Parties (Repealed)

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section

250.200 Employers Subject to the Act
 250.205 Minors Assisting Employees of Tax Supported School Lunch Programs
 250.210 Movie Theatres
 250.215 Car Wash
 250.220 Employment in or about Airfields
 250.225 Office and Ice Cream Dispensing Equipment
 250.230 Enclosed, Self-sealing Automatic Dishwashers
 250.235 Power Driven Machinery
 250.240 Exhibition Park or Place of Amusement
 250.245 Employment in Establishments Selling Package Liquors
 250.250 Shopping Malls and Similar Structures Containing Two or More Buildings
 250.255 Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act
 250.260 Employment of Minors as Models
 250.265 Parent/Guardian Required Presence at Performance
 250.270 Non-Resident Minor Seeking Employment

SUBPART C: HOURS OF EMPLOYMENT

Section

250.300 Number of Days Employment Limit

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250.305 Applying for a Section 8.1(b) Work Hours Waiver
 250.310 Issuance of a Section 8.1(b) Work Hours Waiver
 250.315 Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

Section

250.400 Issuing Officers are responsible for:

SUBPART E: RESPONSIBILITIES OF EMPLOYERS

Section

250.500 The Employer shall:

SUBPART F: APPLICABILITY OF THE ILLINOIS
 ADMINISTRATIVE PROCEDURE ACT

Section

250.600 Revocation of Employment Certificates; Civil Penalty Assessments

SUBPART G: HEARING PROCESS

Section

250.700 Procedure and Time Table for Suspension or Revocation of Employment Certificates
 250.705 Procedure for Child Labor Penalty Assessment
 250.710 Assessing Penalties
 250.715 Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

SUBPART H: EMPLOYER
 VIOLATIONS

Section

250.800 Minimum Age
 250.805 Hours of Work
 250.810 Meal Period
 250.815 Posting of Hours
 250.820 Time Record
 250.825 Hazardous Occupations
 250.830 Minor Under Sixteen Appearing in Theatrical Productions
 250.835 Employment Certificate Required
 250.840 Duties of Employers
 250.845 Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models

Section

250.850 Parent/Guardian Not Present at Performance
 250.855 Minors Under Sixteen Appearing in Television or Motion Picture

DEPARTMENT OF LABOR

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Productions

250.860 Minors: Athletic or Acrobatic Activity and Stunts

AUTHORITY: Implementing Section 16 of the Illinois Child Labor Law [820 ILCS 205/16].

SOURCE: Adopted at 2 Ill. Reg. 22, p. 64, effective May 23, 1979; amended at 5 Ill. Reg. 902, effective January 14, 1981; codified at 8 Ill. Reg. 18483; emergency amendment at 15 Ill. Reg. 16132, effective October 25, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5335, effective March 24, 1992; emergency amendment at 18 Ill. Reg. 16699, effective October 25, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6564, effective May 2, 1995; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 250.105 Definitions

"Agriculture" means farming in all of its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity (including commodities defined as agricultural commodities in Section 15(g) of the U.S. Agricultural Marketing Act as amended (12 U.S.C. 1141 et seq.)) (~~7A--B-S-E--1141--et--seq.~~), the raising of livestock, bees, furbearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage, or to market, or to carriers for transportation to market. The phrase "incident to or in conjunction with" shall not include construction, by a private contractor, of farm buildings on a farm.

"Day" means a calendar day.

"Department of Labor" and "Department" shall mean the Illinois Department of Labor, its Director, and his/her authorized representatives.

"Employed" means the relationship between a minor and an employer wherein a minor performs services for the benefit of an employer with the actual or implicit knowledge of the employer. The presence of a minor on an employer's premises performing work shall constitute prima facie evidence of the minor's employment therein. ~~this principle applies equally to the employer--that--is--also--a--specified--minor's family-member, except as provided in Section 2-of-the-Act~~

"Employer" means any individual, partnership, association, corporation, business trust, enterprise, or any person or group of

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persons acting directly or indirectly in the interest of an employer in relationship to a minor.

"Enterprise" means an activity as defined by Section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(c) and (s)).

"Filling Station or Service Station": the phrase "in or about any filling station or service station" shall include those areas used for convenience and/or grocery stores at a filling station or service station.

"Gainful Occupation" means any service, trade, business, profession, or calling a minor pursues with the reasonable expectation of compensation.

"Garage" means, but is not limited to, establishments selling and/or repairing automobiles, trucks, farm implements, and other vehicles capable of being propelled by their own power, and their premises; provided that office employment shall not be prohibited.

"Minor" means children that have not attained their sixteenth birthday. For the purpose of this Act, a person attaining their sixteenth birthday shall no longer be considered a minor.

"Permitted or Allowed" means the imposition of liability on a person who does not directly employ a minor in violation of the Act, but has sufficient control over the employer to discover the illegal employment and sever the employment relationship.

"Premises", as used in Section 6 and 7 of the Act, means a specified employer's buildings, grounds and appurtenances, but shall not include the designated space of separate and independent employers conducting business under a common roof.

"Suffer" means to tolerate, allow or permit to perform an act of working.

"Television, motion picture, or related entertainment production", as used in Section 8.1(b) of the Act, means films, videotape or television programming of theatrical, commercial, or documentary presentations viewed by a member of the general public in a theater or on a television screen.

"Time Record" means an accurate time record for each minor employed. Time records shall include the following information for each minor: name, address, date of birth, starting and ending dates of employment, starting and ending dates of each work day, starting and ending time of each meal break and number of hours worked daily and

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weekly.

"Week" means the calendar week, i.e., that seven consecutive day period beginning at 12:01 a.m. on Sunday morning and ending on the following Saturday night at midnight.

"Work" means all times during which an employed minor is required, permitted or allowed to be on the employer's premises, or at a prescribed work place.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Athletic Trainers Practice Act

2) Code Citation: 68 Ill. Adm. Code 1160

3) Section Numbers: Proposed Action:

1160.20	Amendment
1160.30	Amendment
1160.31	New Section
1160.35	New Section
1160.40	Amendment
1160.50	Amendment
1160.60	Amendment
1160.65	New Section
1160.80	Amendment

4) Statutory Authority: Section 5 of the Illinois Athletic Trainers Practice Act [225 ILCS 5/5].

5) A Complete Description of the Subjects and Issues Involved: Public Act 89-0216, the sunset rewrite of the Illinois Athletic Trainers Practice Act, becomes effective January 1, 1996. This rulemaking will bring the rules up to date with the rewrite of that Act.

Major changes include licensure of athletic trainers instead of registration, setting of fees by rule rather than by the Act, establishing continuing education requirements for renewal of a license, and raising from 800 to 1500 the hours of training needed for licensure.

Pursuant to Section 4 of the Act, the maximum time for temporary practice pending examination is reduced from six months to three months. The proposed rules establish that if an applicant fails the examination, he/she shall cease practice immediately. Continuing to practice after failing the examination may be considered unlicensed and unlawful practice.

Requirements for obtaining approval of an athletic trainer program are detailed in Section 1160.31. This Section also establishes that the Department has determined all athletic training programs accredited or approved by the Joint Review Committee on Athletic Training of the Accreditation of Allied Health Programs as of January 1, 1996, meet these requirements and are, therefore, approved.

The new fee Section establishes an application fee of \$200, which may be renewed every two years for \$200. The fee for a sponsor of continuing education is \$500, with a renewal fee of \$125 per year. Other fees are patterned after fees charged for similar services provided for other professions regulated by the Department of Professional Regulation.

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The renewal Section is amended to establish that each license issued under the Act shall expire on March 31 of even-numbered years. All current registrations will expire on March 31, 1996, when all licensees will be required to obtain a new two-year license.

Beginning with the March 31, 1998, renewal, a renewal applicant shall be required to complete 40 hours of continuing education. Section 1160.65 tells how licensed athletic trainers can meet continuing education requirements, gives information useful to potential continuing education sponsors and provides circumstances under which continuing education requirements may be waived.

Numerous style and format changes also are proposed to improve clarity.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0800 Fax #: (217) 782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing the services of athletic trainers. Also, providers of continuing education for athletic trainers.

B) Reporting, bookkeeping or other procedures required for compliance: Currently, all athletic trainer certificates of registration do not expire on the same date. With this proposed

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rulemaking, all registrations will expire on March 31, 1996, when all registrants will be required to obtain a new two-year license. A license may then be renewed every two years.

C) Types of professional skills necessary for compliance: Athletic trainer skills are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1160

ILLINOIS ATHLETIC TRAINERS PRACTICE ACT

Section

- 1160.20 Examination
- 1160.30 Application for Licensure Registration
- 1160.31 Approved Programs
- 1160.35 Fees
- 1160.40 Renewals
- 1160.50 Restoration
- 1160.60 Endorsement
- 1160.65 Continuing Education
- 1160.70 Annual Report of Board
- 1160.80 Granting Variances

AUTHORITY: Implementing the Illinois Athletic Trainers Practice Act [225 ILCS 5] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 4759, effective March 12, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 20731, effective December 1, 1986; amended at 11 Ill. Reg. 9939, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 160 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1160 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2935; amended at 19 Ill. Reg. _____, effective _____.

Section 1160.20 Examination

- a) The examination for licensure registration shall be the certification examination for the National Athletic Trainers Association. ~~The written portion of the examination shall cover the following subject areas:~~
 - 1) Preparation
 - 2) Recognition and Evaluation
 - 3) Management and Disposition
 - 4) Rehabilitation
 - 5) Organization and Administration
 - 6) Education and Counseling
- b) ~~the oral and practical section of the examination includes the following subject areas:~~
 - 1) Management of athletic injuries
 - 2) Management and disposition of athletic injuries
 - 3) Recognition of specific injury conditions

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- 4) ~~Emergency first-aid procedures~~
- 5) ~~Rehabilitation techniques~~
- 6) ~~Bandaging and adhesive strapping techniques~~

b) ~~c) Candidates shall make application for the examination, and pay the examination fee, directly to the designated testing service.~~

c) ~~d) Unsuccessful candidates ~~an unsuccessful candidate~~ may retake the examination as many times as they wish he wishes. Retake application shall be made to the designated testing service.~~

d) ~~e) Application to the designated testing service for purposes of taking the examination shall not constitute application to the Department of Professional Regulation Department of Registration and Education (the Department) and shall not entitle an applicant to practice on a temporary basis under the provisions of Section 4(5) of the Act.~~

f) ~~go be eligible to practice temporarily pending examination in accordance with the provisions of Section 4(5) of the Illinois Athletic Trainers Practice Act (the Act) (Ill. Reg. Stat. 1985) Chapter 1160.31 et seq. an applicant must make application to the Department on forms provided by the Department. An applicant who fails the examination shall cease temporary practice.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

Section 1160.30 Application for Licensure Registration

a) Any person seeking licensure registration as an athletic trainer shall file an application with the Department on forms provided by the Department. The application shall include the following:

- 1) Either:
 - A) Certification of graduation from an athletic training program approved in accordance with Section 1160.31 of this Part or a program approved by the Joint Review Committee on Athletic Training of the Committee on Accreditation of Allied Health Education Programs; or
 - B) Certification certification of:
 - i) Graduation graduation and the granting of a baccalaureate degree from a regionally accredited college or university with a baccalaureate degree; and
 - ii) An official transcript showing successful completion of the required curriculum course-work specified in Section 9 of the Act; and
 - iii) Certification certification of clinical athletic training experience training showing successful completion of a minimum of 1500 800 hours of clinical experience completed in not less than 2 academic years within a 5 calendar year period over a period of not less than two years; and
- 2) Verification verification of successful completion of the

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examination set forth in Section 1160.20 which shall be received directly from the designated testing service; and

3) ~~The~~ The required fee specified in Section 1160.35(a) of this Part 14 of the Act.

- b) An applicant who applies to the Department in accordance with subsection (a) above is eligible to practice pending examination in accordance with the provisions of Section 4(5) of the Illinois Athletic Trainers Practice Act (the Act). An applicant may only practice for 3 months. If an applicant fails the examination, he/she shall cease practice immediately. Practicing after failure of an examination or beyond the 3 months shall be considered the unlicensed practice of athletic training.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1160.31 Approved Programs

- a) The Department, upon recommendation of the Illinois Board of Athletic Trainers (the Board), may approve athletic training programs that meet the requirements set forth in this Section. The institution:

- 1) Is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree or master's degree;
- 2) Has a faculty which comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions;
- 3) Has a designated program director;
- 4) Has a curriculum which shall include, but not be limited to, the following:
 - A) Anatomy
 - B) Physiology
 - C) Physiology of Exercise
 - D) Applied Anatomy and Kinesiology
 - E) Psychology (2 courses)
 - F) First Aid and cardiopulmonary resuscitation or equivalent training
 - G) Nutrition
 - H) Remedial Exercise or Therapeutic Exercise
 - I) Personal, Community or School Health
 - J) Techniques of Athletic Training (fundamentals)
 - K) Advanced Techniques of Athletic Training (modalities, administration).

- b) The Department or Board may require additional information in order to evaluate the program.
- c) Approved programs may be reviewed at the discretion of the Department

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to ensure that requirements of this Section continue to be met.

d) In determining whether a program shall be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Joint Review Committee on Athletic Training of the Accreditation of Allied Health Education Programs or its successor entity.

- e) The Department has determined that all athletic training programs accredited or approved by the Joint Review Committee on Athletic Training of the Accreditation of Allied Health Education Programs as of January 1, 1996, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1160.35 Fees

The following fees shall be paid to the Department and are nonrefundable:

- a) The fee for application for a license as an athletic trainer is \$200.
- b) The fee for application for licensure from a person licensed as an athletic trainer in another jurisdiction is \$200.
- c) The fee for renewal of an athletic trainer license is \$100 per year.
- d) The fee for a sponsor of continuing education is \$500.
- e) The fee for renewal as a sponsor of continuing education is \$125 per year.
- f) The fee for restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- g) The fee for issuance of a duplicate license or for the issuance of a replacement license for a license that has been lost or destroyed is \$20.
- h) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is replaced.
- i) The fee for certification of a license for any purpose is \$20.
- j) The fee for a wall certificate showing licensure is the actual cost of producing the license.
- k) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1160.40 Renewals

- a) All current registration holders shall be required to obtain a new 2-year athletic trainer license and pay the current renewal fee by March 31, 1996.

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- b) Each license certificate--of--registration issued under the Act shall expire on March 31 of even-numbered years the date--specified--on--the face--of--the--certificate. The holder of the license certificate may renew the license certificate during the month preceding the expiration date thereof by paying the required fee.
- c) It is the responsibility of each license certificate holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- d) Practice on an expired license shall be considered the unlicensed practice of athletic training and subject to discipline or other penalties set forth in Section 16 of the Act.
- e) Beginning with the March 31, 1998, renewal and every renewal thereafter, a renewal applicant shall complete 40 hours of continuing education in accordance with Section 1160.65 of this Part.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1160.50 Restoration

- a) A person registrant seeking restoration of a license that his certificate--of--registration--which has expired for less than 5 years shall have the license his--certificate restored upon payment of \$20 plus all lapsed renewal fees as set forth in required--by Section 1160.35(g) of this Part 14--of--the--Act. After March 31, 1998, a person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- b) A person registrant seeking restoration of a license that his certificate--of--registration--which has been placed on inactive status for less than 5 years shall have the license his--certificate restored upon payment of the current renewal fee as specified in by Section 1160.35(d) of this Part 14--of--the--Act. After March 31, 1998, a person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- c) A person registrant seeking restoration of a license his--certificate of--registration after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee(s) set forth in subsections (a) and (b) above required. The application registrant shall also include one of the following documents submit--either:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant

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- was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 12 of the Act; or
- 3) Other evidence of continued active participation in athletic training for at least the last 2 years.
- A) Such evidence shall show that he/she he has been employed in a responsible capacity under the supervision of a licensed registered athletic trainer; or
- B) Been an officer or employee of the United States government as a practicing athletic trainer; or
- C) Been teaching athletic training in a college or university; or
- D) Has attended, during the 2 years preceding application for restoration athletic training educational programs conducted by an accredited college or university or a professional athletic training association or similar program approved by the Department upon recommendation of the Illinois Board of Athletic Trainers. After March 31, 1998 an applicant shall submit proof of 40 hours of continuing education in accordance with Section 1160.65 of this Part.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of lack of information, discrepancies or conflicts in information given or a need for clarification discrepancies--or--conflicts--in--information--information--needing--further clarification--and/or--missing--information, the person registrant seeking restoration of a license shall be required to his certification--of--registration--will--be--requested--to:
- 1) Provide provide such information as may be necessary; and/or
 - 2) explain--such--relevance--or--sufficiency--during--an--oral--interview; or
 - 2) Appear appear for an additional--oral interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in the Department. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored when the--information--available--to--the--Board--is--insufficient--to evaluate--the--individual's--current--competency--to--practice--under the--Act.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1160.60 Endorsement

- a) An applicant seeking licensure registration in Illinois who is

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licensed/registered under the laws of another jurisdiction shall file an application with the Department, on forms provided by the Department, which includes ~~together with a certification from the licensing authority of the jurisdiction stating:~~

- 1) Certification of education;
- 2) Proof of successful completion of the examination set forth in Section 1160.20 of this Part;
- 3) Certification from the state or territory of the United States in which the applicant was originally licensed and the states in which the applicant is currently licensed, stating:
 - A) The time during which the applicant was licensed/registered in that jurisdiction;
 - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
 - C) A brief description of the licensure examination taken and the scores received.

b) The Department may request additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application.

c) The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

b) ~~The applicant may be required to appear for an oral interview.~~

1) ~~To clarify or explain information contained in the submitted documentation;~~

2) ~~To determine the substantial equivalence of the applicant's qualifications to the registration requirements in this State.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1160.65 Continuing Education

a) Continuing Education Hour Requirements

1) Beginning with the March 31, 1998, renewal and for every renewal thereafter, renewal applicants shall complete 40 hours of Continuing Education (CE) relevant to the practice of athletic training during each prerenewal period. The Department shall conduct audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.

2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

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3) Athletic trainers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section.

b) Activities for which CE credit may be earned are as follows:

1) Verified attendance or participation in any continuing education course approved by the National Athletic Trainers' Association Board of Certification or the Illinois Athletic Trainers' Association.

2) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.

3) A maximum of 12 hours per prerenewal period for:

A) Papers prepared or delivered before recognized athletic trainer organizations;

B) Papers published in nationally recognized athletic training journals;

C) Writing a chapter in a book about athletic training;

D) Self-study courses taken through an accredited college or university or an approved sponsor; and

E) Training taken via teleconferencing with a live moderator through an accredited college or university or an approved sponsor.

4) A licensee who serves as an instructor, speaker or discussion leader of a course given by an approved sponsor will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any renewal period.

5) The continuing education hours used to satisfy the CE requirements for renewal of an athletic trainer license held in another jurisdiction shall be applied toward the CE requirements for renewal of an Illinois athletic trainer license.

6) Three (3) semester hours of course work relevant to athletic training completed at an accredited college or university. One semester of course work is equivalent to 15 hours of CE and one quarter of course work is equivalent to 10 hours of CE.

7) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.

c) CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean:

A) The National Athletic Trainers' Association Board of Certification or the Illinois Athletic Trainers' Association;

B) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction

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with this Section.

- 2) An entity seeking approval as a CE sponsor shall file an application, along with the required fee set forth in Section 1160.35(e) of this Part, which includes:

A) Certification:

i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(5) below and all other criteria in this Section;

ii) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(7); and

iii) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance.

B) A copy of a Certificate of Attendance or Participation which meets the requirements set forth in subsection (c)(7); and

C) A sample of a CE course which includes, but is not limited to, course materials, books, instructor credentials.

- 3) Each sponsor shall submit by March 31 of each year a sponsor application along with the required renewal fee set forth in Section 1160.35(f) of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the past year, which includes a description, location, date and time the course was offered.

4) State agencies, colleges and universities shall submit a sponsor application in accordance with subsections (c)(2) and (3) above; however, they shall be exempt from payment of the fee.

- 5) All courses and programs shall:

A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of athletic training;

B) Specify the course objectives, course content and teaching methods to be used;

C) Be developed and presented by persons with education and/or experience in the subject matter of the program;

D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and

E) Include some mechanism whereby participants evaluate the overall quality of the program.

- 6) All programs given by sponsors shall be open to all licensed athletic trainers and not be limited to the members of a single

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organization or group.

- 7) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:

A) The name, address and license number of the sponsor;

B) The name and license number of the participant;

C) A brief statement of the subject matter;

D) The number of clock hours actually attended in each program;

E) The date and place of the program; and

F) The signature of the sponsor.

- 8) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(7) above for not less than 5 years, except for the signature of the sponsor.

9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

10) The Department, upon recommendation of the Board, shall withdraw, suspend or place on probation the approval of a CE sponsor when, at any time, the quality of the CE fails to meet the established criteria as set forth in this Section or if the sponsorship approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.

11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.

- 12) The Department shall maintain a list of all approved continuing education sponsors.

d) Continuing Education Earned in Other Jurisdictions. If a renewal applicant will be earning or has earned CE hours in another jurisdiction, the applicant is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.

e) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a), above.

2) The Department may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. Such additional documentation

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will be required in the context of a Department audit.

3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

f) Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Department may restore the license upon payment of the required fee.

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of these facts. The applicant may request an interview with the Board at the time of the waiver request. If the Department, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted that extreme hardship has been shown to substantiate granting of a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

2) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
- B) An incapacitating illness, documented by a currently licensed physician;
- C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
- D) Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).

4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this Section shall be deemed to be in good standing and may practice until the Department's final decision on the waiver has been made.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1160.80 Granting Variances

a) The Director may grant variances from this Part in individual cases where he/she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
- 2) No party will be injured by the granting of the variance;
- 3) The rule from which the variance is granted would in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Definitions and General Provisions2) Code citation: 35 Ill. Adm. Code 2113) Section numbers: Adopted action:

211.4250 Amendment
 211.4260 Amendment
 211.4610 Amendment
 211.7150 Amendment

4) Statutory authority: 415 ILCS 5/9.1(e) and 27.5) Effective date of Amendments: October 19 19956) Does this rulemaking contain an automatic repeal date?: No7) Do these Amendments contain incorporations by reference?

Yes, at Sections 211.4610 and 211.7150. However, these amendments do not affect those incorporations.

8) Date filed in Board's principal office: Order adopted October 19, 1995.9) Notice of proposal published in Illinois Register:

August 3, 1995, 19 Ill. Reg. 11297 (Section 211.7150)
 August 24, 1995, at 19 Ill. Reg. 12176 (Sections 211.4250, 211.4260 & 211.4610)

10) Has JCAR issued a Statement of Objections to these rules? No

Section 9.1(e) of the Environmental Protection Act (415 ILCS 5/9.1(e)) provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Minor editorial differences. At the suggestion of JCAR, the Board has made three changes in Section 211.7150: (1) we changed the comma to a semicolon after the entry for "methylene chloride (dichloromethane)"; (2) we changed the chemical name "1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)" to "1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)"; and (3) we changed the abbreviated designation for trifluoromethane from "FC-23" to "HFC-23".

12) Have all the changes agreed upon by the Board and JCAR been made as

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

indicated in the agreement letter issued by JCAR?

Section 9.1(e) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these Amendments replace any emergency amendments currently in effect? No14) Are there any other amendments pending on this Part? No15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of October 19, 1995 in R95-16, which Opinion is available from the address below. Section 9.1(e) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's definition of volatile organic material (VOM) in the air pollution control rules to correspond with amendments adopted by U.S. EPA to its corresponding definition of volatile organic compound, at 40 CFR 51.100(s) that appeared in the Federal Register during the period January 1 through June 30, 1995. Specifically, the present amendments respond to a June 16, 1995 action where USEPA added acetone to the list of chemical species that are exempted from the definition of VOM and, hence, are exempted from regulation for control of ozone precursors.

These amendments are based on two separate proposals based on a single federal action. The Board proposed amendments to the Section 211.7150 definition of "volatile organic material" (VOM) by a proposal for public comment dated July 7, 1995. On August 3, 1995, the Board proposed additional amendments to the definitions of "organic material" at 35 Ill. Adm. Code 211.4250, "organic solvent" at 35 Ill. Adm. Code 211.4260, and "petroleum liquid" at 35 Ill. Adm. Code 211.4610 in response to a request from the Agency. The Board conducted a public hearing on both sets of proposed amendments on September 6, 1995, in Chicago.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
 Attorney
 Illinois Pollution Control Board
 100 W. Randolph 11-500

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of October 19, 1995 from
Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporations by Reference
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.210	Actual Heat Input
211.230	Adhesive
211.240	Adhesion Promoter
211.250	Aeration
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.490	Annual Grain Through-Put
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile

POLLUTION CONTROL BOARD

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211.630	Automobile or Light-Duty Truck Assembly	Source or Automobile or
	Light-Duty Truck Manufacturing Plant	
211.650	Automobile or Light-Duty Truck Refinishing	
211.660	Automotive/Transportation Plastic Parts	
211.670	Baked Coatings	
211.680	Bakery Oven	
211.685	Basecoat/Clearcoat System	
211.690	Batch Loading	
211.695	Batch Operation	
211.696	Batch Process Train	
211.710	Bead-Dipping	
211.730	Binders	
211.750	British Thermal Unit	
211.770	Brush or Wipe Coating	
211.790	Bulk Gasoline Plant	
211.810	Bulk Gasoline Terminal	
211.820	Business Machine Plastic Parts	
211.830	Can	
211.850	Can Coating	
211.870	Can Coating Line	
211.890	Capture	
211.910	Capture Device	
211.930	Capture Efficiency	
211.950	Capture System	
211.970	Certified Investigation	
211.980	Chemical Manufacturing Process Unit	
211.990	Choke Loading	
211.1010	Clean Air Act	
211.1050	Cleaning and Separating Operation	
211.1070	Cleaning Materials	
211.1090	Clean Coating	
211.1110	Clean Topcoat	
211.1130	Closed Purged System	
211.1150	Closed Vent System	
211.1170	Coal Refuse	
211.1190	Coating	
211.1210	Coating Applicator	
211.1230	Coating Line	
211.1250	Coating Plant	
211.1270	Coil Coating	
211.1290	Coil Coating Line	
211.1310	Cold Cleaning	
211.1330	Complete Combustion	
211.1350	Component	
211.1370	Concrete Curing Compounds	
211.1390	Concentrated Nitric Acid Manufacturing Process	
211.1410	Condensate	
211.1430	Condensible PM-10	

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211.1470	Continuous Process	
211.1490	Control Device	
211.1510	Control Device Efficiency	
211.1530	Conventional Soybean Crushing Source	
211.1550	ConveyORIZED Degreasing	
211.1570	Crude Oil	
211.1590	Crude Oil Gathering	
211.1610	Crushing	
211.1630	Custody Transfer	
211.1650	Cutback Asphalt	
211.1670	Daily-Weighted Average VOM Content	
211.1690	Day	
211.1710	Degreaser	
211.1730	Delivery Vessel	
211.1750	Dip Coating	
211.1770	Distillate Fuel Oil	
211.1780	Distillation Unit	
211.1790	Drum	
211.1810	Dry Cleaning Operation or Dry Cleaning Facility	
211.1830	Dump-Pit Area	
211.1850	Effective Grate Area	
211.1870	Effluent Water Separator	
211.1875	Elastomeric Materials	
211.1880	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding	
	Coatings	
211.1890	Electrostatic Bell or Disc Spray	
211.1900	Electrostatic Prep Coat	
211.1910	Electrostatic Spray	
211.1920	Emergency or Standby Unit	
211.1930	Emission Rate	
211.1950	Emission Unit	
211.1970	Enamel	
211.1990	Enclose	
211.2010	End Sealing Compound Coat	
211.2030	Enhanced Under-the-Cup Fill	
211.2050	Ethanol Blend Gasoline	
211.2070	Excess Air	
211.2090	Excessive Release	
211.2110	Existing Grain-Drying Operation	
211.2130	Existing Grain-Handling Operation	
211.2150	Exterior Base Coat	
211.2170	Exterior End Coat	
211.2190	External Floating Roof	
211.2210	Extreme Performance Coating	
211.2230	Fabric Coating	
211.2250	Fabric Coating Line	
211.2270	Federally Enforceable Limitations and Conditions	
211.2290	Fermentation Time	

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211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLPL) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof

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211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3990	New Grain-Drying Operation

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211.4010	New Grain-Handling Operation
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4730	Plant
211.4740	Plastic Part
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process

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211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5530	Repair
211.5550	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet

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211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6430	Styrene Devolatilizer Unit

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211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web

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211.7270 Wholesale Purchase - Consumer
 211.7290 Wood Furniture
 211.7310 Wood Furniture Coating
 211.7330 Wood Furniture Coating Line
 211.7350 Woodworking
 211.7400 Yeast Percentage

APPENDIX A Rule into Section Table
 APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective OCT 13 1995.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.4250 Organic Material and Organic Materials

- a) "Organic materials" means, for the purposes of Section 9.4 of the Act, any chemical compound of carbon, including diluents and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, including polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans and polynuclear aromatic hydrocarbons but excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates and ammonium carbonate are not organic materials.
- b) "Organic material" means, for the purpose of 35 Ill. Adm. Code 215, 218 and 219, any chemical compound of carbon including diluents and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, but excluding methane, acetone, carbon monoxide, carbon dioxide, carbonic acid, metallic carbonic acid, metallic carbide, metallic carbonates, and ammonium carbonate.

(Source: Amended at 19 Ill. Reg. 15176, effective OCT 19 1995)

Section 211.4260 Organic Solvent

"Organic solvent" means a solvent that consists of organic mineral spirits, methyl ethyl ketone, acetone, ethanol, ether, toluene, or other organic materials other than soap, detergent, surfactants, lubricating oil, wax, vegetable oil, grease, glycerin, or animal fat. For purposes of 35 Ill. Adm. Code 201, Subpart F, a solvent which is a mixture shall be an organic solvent if it contains more than 5 percent by volume of such organic materials.

(Source: Amended at 19 Ill. Reg. 15176, effective OCT 19 1995)

Section 211.4610 Petroleum Liquid

"Petroleum liquid" means crude oil, condensate or any finished or intermediate product manufactured at a petroleum refinery, but not including acetone, and Number 2 through Number 6 fuel oils as specified in ASTM D-396-69 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112), gas turbine fuel oils by reference in 35 Ill. Adm. Code 218.112 and 219.112, (incorporated by Numbers 2-GT through 4-GT as specified in ASTM D-2880-71 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112) or diesel fuel oils Numbers 2-D and 4-D, as specified in ASTM D-975-68 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112).

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(Source: Amended at 19 Ill. Reg. 15176, effective OCT 19 1995)

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

methane;

ethane;

methylene chloride (dichloromethane);

1,1,1-trichloroethane (methyl chloroform);

1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);

trichlorofluoromethane (CFC-11);

dichlorodifluoromethane (CFC-12);

chlorodifluoromethane (CFC-22);

trifluoromethane (HFC-23);

1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);

chloropentafluoroethane (CFC-115);

1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);

1,1,1,2-tetrafluoroethane (HFC-134a);

1,1-dichloro-1-fluoroethane (HCFC-141b);

1-chloro-1,1-difluoroethane (HCFC-142b);

2-chloro-1,1,2-tetrafluoroethane (HCFC-124);

pentafluoroethane (HFC-125);

1,1,2,2-tetrafluoroethane (HFC-134);

1,1,1-trifluoroethane (HFC-143a);

1,1-difluoroethane (HFC-152a); and

perfluorocarbon parachlorobenzotrifluoride (PCBTFF);

and perfluorocarbon compounds which fall into these classes:

a) cyclic, branched, or linear completely-methylated siloxanes;

acetone (2-propanone or dimethylketone);

1) Cyclic, branched, or linear, completely fluorinated alkanes;

2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

4) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

b) For purposes of determining VOM emissions and compliance with

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NOTICE OF ADOPTED AMENDMENTS

emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112 and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued pursuant to a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR Part 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusions is approved by the Agency.

c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.

d) The USEPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source: Amended at 19 Ill. Reg. 15176, effective OCT 19 1995)

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

1) Heading of the Part: Daily Double

2) Code Citation: 11 Ill. Adm. Code 303

3) <u>Section Number:</u>	<u>Adopted Action:</u>
303.10	New Section
303.20	New Section
303.30	New Section
303.40	New Section
303.50	New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: November 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain an incorporation by reference? No

8) Date filed in Agency's Principal Office: October 20, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8947, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: Moved language originally contained in 303.40(b) to newly added subsection 303.40(c). Added after "303.40(b)": "In the event a betting interest in the second-half of the daily double is scratched prior to the close of wagering all money wagered on combinations including the scratched betting interest shall be deducted from the daily double pool and refunded."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any other proposed rules pending in this Part? No

15) Summary and purpose of rules: This rulemaking establishes the Daily Double wagering pool.

16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted rules beings on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 303

DAILY DOUBLE

Section

303.10	Definition
303.20	Pool Distribution
303.30	Dead Heats
303.40	Scratches
303.50	Cancellations

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 19 Ill. Reg. 15192, effective NOV 1 1995.

Section 303.10 Definition

The Daily Double requires selection of the first-place finisher in each of two successive, specified contests. All daily double wagers shall be calculated in an entirely separate pool.

Section 303.20 Pool Distribution

The net daily double pool shall be distributed to winning wagers in the following manner, based upon the official order of finish:

- As a single price pool to those whose selection finished first in each of the two contests; but if there are no such wagers, then
- As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then
- As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then
- As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers, then
- The entire pool shall be refunded on daily double wagers for those contests.

Section 303.30 Dead Heats

If there is a dead heat for first in either of the two contests involving:

- contestants representing the same betting interest, the daily double

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- pool shall be distributed as if no dead heat occurred. contestants representing two or more betting interests, the daily double shall be distributed as a profit split if there is more than one covered winning combination.

Section 303.40 Scratches

- In the event a betting interest in the first half of the daily double is scratched prior to the first double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the daily double pool and refunded.
- In the event a betting interest in the second half of the daily double is scratched prior to the close of wagering, all money wagered on combinations including the scratched betting interest shall be deducted from the daily double pool and refunded.
- In the event a betting interest in the second half of the daily double is scratched after the close of wagering, all wagers combining the winner of the first contest with the scratched betting interest shall receive a consolation payoff.

Section 303.50 Cancellations

- If either of the daily double contests are canceled prior to the first double contest, or the first double contest is declared "no contest", the entire double pool shall be refunded on double wagers for those contests.
- If the second double contest is canceled or declared "no contest" after the close of wagering on the first double contest, the net double pool shall be distributed as a single price pool to wagers selecting the winner of the first double contest. In the event of a dead heat involving separate betting interests, the net double pool shall be distributed as a profit split.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Daily Double Rules
- 2) Code Citation: 11 Ill. Adm. Code 406
- 3) Section Number: 406.10 Adopted Action: Repealed
 406.30 Repealed
 406.40 Repealed
 406.50 Repealed
 406.60 Repealed
 406.70 Repealed
 406.80 Repealed
 406.90 Repealed
 406.100 Repealed
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 20, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 8951, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect?
 No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals the Board's old daily double rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
 Illinois Racing Board
 Legal Department

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

100 West Randolph, Suite 11-100
 Chicago, Illinois 60601
 (312) 814-2600

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Perfecta/Exacta
- 2) Code Citation: 11 Ill. Adm. Code 305
- 3) Section Number: 305.10 Adopted Action: New Section
305.20 New Section
305.30 New Section
305.40 New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 20, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9008, July 7, 1995

- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: The "/exacta" was added to the word "perfecta". Minor grammatical changes were made throughout the rulemaking [punctuation, spelling].
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these rules replace emergency rules currently in effect? No
- 14) Are there any other proposed rules pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes the perfecta wagering pool.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

ILLINOIS RACING BOARD
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Perfecta or Exacta
- 2) Code Citation: 11 Ill. Adm. Code 408
- 3) Section Number: Adopted Action:
408.10 Repealed
408.30 Repealed
408.40 Repealed
408.50 Repealed
408.60 Repealed
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 20, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9012, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals the Board's old Perfecta rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD
NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 305
PERFECTA/EXACTA

Section	Definition
305.10	Pool Distribution
305.20	Dead Heats
305.30	Scratches

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 19 Ill. Reg. 15199, effective NOV 1 1995.

Section 305.10 Definition

The perfecta/exacta requires the selection of the first two finishers, in their exact order, for a single designated contest. Perfecta/exacta wagers shall be calculated in an entirely separate pool.

Section 305.20 Pool Distribution

The net perfecta/exacta pool shall be distributed to winning wagers in the following manner, based upon the official order of finish:

- If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest; otherwise
- As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
- As a profit split to those whose combination included either the first place betting interest to finish first or the second place betting interest to finish second; but if there are no such wagers, then
- As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then
- The entire pool shall be refunded on perfecta/exacta wagers for that contest.

Section 305.30 Dead Heats

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- a) If there is a dead heat for first involving:
- 1) contestants representing the same betting interest, the perfecta/exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutual field combined with the next separate betting interest.
 - 2) contestants representing two or more betting interests, the perfecta/exacta shall be distributed as a profit split.
- b) If there is a dead heat for second involving contestants representing the same betting interests, the perfecta/exacta shall be distributed as if no dead heat occurred.
- c) If there is a dead heat for second involving contestants representing two or more betting interests, the perfecta/exacta pool shall be distributed in the following manner:
- 1) As a profit split to those combining the first place betting interest with any of the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - 2) As a single price pool to those combining the first place betting interest for first place and the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - 3) As a profit split to those wagers correctly selecting the winner for first place and those wagers selecting any of the dead-heated betting interests for second place; but if there are no such wagers, then
 - 4) The entire pool shall be refunded on perfecta/exacta wagers for that contest.

Section 305.40 Scratches

- a) In the event any contestant, which is not part of an entry or field, is scratched, all wagers including the scratched betting interests shall be refunded.
- b) In the event any contestant in a coupled entry or mutual field is scratched, the remaining contestants in that coupled entry or mutual field shall remain valid betting interests and no refunds shall be granted.
- c) In the event all contestants within a coupled entry or mutual field are scratched, all wagers including such betting interests shall be refunded.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Quinella
- 2) Code Citation: 11 Ill. Adm. Code 407
- 3) Section Number: Adopted Action:

407.10	Repealed
407.30	Repealed
407.40	Repealed
407.50	Repealed
407.60	Repealed
407.70	Repealed
407.80	Repealed
407.90	Repealed
407.100	Repealed
407.110	Repealed
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain and incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 20, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9025, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking repeals the Board's old quinella rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

Gina DiCaro
 Illinois Racing Board
 Legal Department
 100 West Randolph
 Suite 11-100
 Chicago, Illinois 60601
 (312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Quinella
- 2) Code Citation: 11 Ill. Adm. Code 304
- 3) Section Number: Adopted Action:

304.10	New Section
304.20	New Section
304.30	New Section
304.40	New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 20, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9021, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Minor grammatical changes were made throughout the rulemaking [punctuation, spelling].
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these rules replace emergency rules currently in effect? No
- 14) Are there any other proposed rules pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes the quinella wagering pool.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
 Illinois Racing Board
 Legal Department
 100 West Randolph
 Suite 11-100
 Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

(312) 814-2600

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 304

QUINELLA

Section

304.10 Definition

304.20 Pool Distribution

304.30 Dead Heats

304.40 Scratches

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 19 Ill. Reg. 15205, effective NOV 1 1995.

Section 304.10 Definition

The Quinella requires selection of the first two finishers, irrespective of order, for a single designated contest. The quinella wager shall be calculated in an entirely separate pool.

Section 304.20 Pool Distribution

The net quinella pool shall be distributed to winning wagers in the following manner, based upon official order of finish:

- a) If the contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest; otherwise
- b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
- c) As a profit split to those whose combination included either the first or second place finisher; but if there are no such wagers, then
- d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
- e) The entire pool shall be refunded on quinella wagers for that contest.

Section 304.30 Dead Heats

- a) If there is a dead heat for first involving:
 - 1) contestants representing the same betting interest, the quinella

ILLINOIS RACING BOARD

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pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest.

- 2) contestants representing two betting interests, the quinella pool shall be distributed as if no dead heat occurred.
- 3) contestants representing three or more betting interests, the quinella pool shall be distributed as a profit split.
- b) If there is a dead heat for second involving contestants representing the same betting interest, the quinella pool shall be distributed as if no dead heat occurred.
- c) If there is a dead heat for second involving contestants representing two or more betting interests, the quinella pool shall be distributed to wagers in the following manner:
 - 1) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
 - 2) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - 3) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - 4) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - 5) The entire pool shall be refunded on quinella wagers for that contest.

Section 304.40 Scratches

- a) In the event any contestant, which is not part of an entry or field, is scratched, all wagers including the scratched betting interests shall be refunded.
- b) In the event any contestant in a coupled entry or mutuel field is scratched, the remaining contestant(s) in that coupled entry or mutuel field shall remain valid betting interests and no refunds shall be granted.
- c) In the event all contestants within a coupled entry or mutuel field are scratched, all wagers including such betting interests shall be refunded.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Supertrifecta
- 2) Code Citation: 11 Ill. Adm. Code 309
- 3) Section Number: Adopted Action:

309.10	New Section
309.20	New Section
309.30	New Section
309.40	New Section
309.50	New Section
309.60	New Section
309.70	New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 20, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9033, July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Minor grammatical changes were made throughout this rulemaking [punctuation, spelling].
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these rules replace emergency rules currently in effect? No
- 14) Are there any other proposed rules pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes the supertrifecta wagering pool.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 309

SUPERTRIFECTA

Section	Definition
309.10	General Provisions
309.20	Pool Distribution
309.30	Dead Heats
309.40	Scratches
309.50	Races Canceled
309.60	Mandatory Distribution
309.70	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 15209, effective

NOV 1 1995.

Section 309.10 Definition

The supertrifecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of two designated contests. The supertrifecta wager shall be calculated in an entirely separate pool.

Section 309.20 General Provisions

- Unless expressly noted in this Part, all trifecta rules apply.
- Supertrifecta wagers shall not be sold in denominations of less than \$1.
- The supertrifecta rules shall be prominently displayed in the official program on each day the supertrifecta wager is offered.
- Any organization licensee that elects to offer a supertrifecta wager shall notify the State Director of Mutuels, in writing, at least 30 days prior to the start of its meet.

Section 309.30 Pool Distribution

The daily net pool and any carryover pool shall be distributed as a single price pool to those whose combination finished in correct sequences as the first three betting interests in the first supertrifecta contest and the first four finishers, in correct sequence, in the second supertrifecta contest; but

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if there are no such wagers, then the daily net pool shall be combined with the carryover pool and carried forward to the next consecutive supertrifecta wager.

Section 309.40 Dead Heats

If there is a dead heat or multiple dead heats in either the first or second supertrifecta contest, all supertrifecta wagers selecting the correct order of finish, including any dead-heated contestant, shall be considered winners and the pool shall be distributed as a single price pool.

Section 309.50 Scratches

- a) Should a betting interest in either supertrifecta contest be scratched prior to the first supertrifecta contest, those wagers including the scratched betting interest shall be refunded.
- b) Should a betting interest in the second supertrifecta contest be scratched after the first supertrifecta contest, wagers including the scratched betting interest shall be withdrawn from the supertrifecta pool and made part of the consolation pool. The consolation pool shall be distributed to those wagers including the scratched betting interest as a profit split.
- c) If, due to a late scratch, the number of betting interests in the second supertrifecta contest is reduced to fewer than the minimum, the daily net supertrifecta pool shall be distributed as a single price pool to those who correctly selected the first supertrifecta contest. In the event there are no wagers correctly selecting the first supertrifecta contest, the supertrifecta pool shall be added to any existing carryover.

Section 309.60 Races Canceled

- a) If either of the supertrifecta contests are canceled prior to the first supertrifecta contest, the entire supertrifecta pool shall be refunded on supertrifecta wagers for that program.
- b) If the second supertrifecta contest is canceled after the first supertrifecta contest is run, the supertrifecta pool shall be distributed as a single price pool to those who selected the first three finishers, in correct sequence, in the first supertrifecta contest. In the event there are no wagers correctly selecting the first supertrifecta contest, the supertrifecta pool shall be added to any existing carryover.

Section 309.70 Mandatory Distribution

- a) The supertrifecta carryover shall be designated for distribution on the last program of a race meeting or the last program during a consecutive race meeting of the same type of racing at the same track and shall be advertised to the public.

ILLINOIS RACING BOARD

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- b) In the event a mandatory distribution is required, the following precedence will be followed in determining winning wagers for the second supertrifecta contest, based upon the official order of finish:
 - 1) As a single price pool to those who selected the first three finishers in exact order; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination correctly selected the first and second place finishers in correct order; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination correctly selected the first place betting interest; but if there are no such wagers, then
 - 4) As a single price pool to those whose combination correctly selected the second and third place finishers in exact order; but if there are no such wagers, then
 - 5) As a single price pool to those whose combination correctly selected the second place betting interest; but if there are no such wagers, then
 - 6) As a single price pool to those whose combination correctly selected the third and fourth place betting interest; but if there are no such wagers, then
 - 7) As a single price pool to those whose combination correctly selected the third place betting interest; but if there are no such wagers, then
 - 8) As a single price pool to those whose combination correctly selected the fourth place betting interest; but if there are no such wagers, then
 - 9) As a single price pool to those whose combination correctly selected the first three finishers in the first supertrifecta contest, but if there are no such wagers, then
 - 10) As a single price pool to those whose combination correctly selected the first and second place finishers in the first supertrifecta contest; but if there are no such wagers, then
 - 11) As a single price pool to those whose combination correctly selected the first place finisher in the first supertrifecta contest; but if there are no such wagers, then
 - 12) As a single price pool to holders of valid supertrifecta wagers.

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1) Heading of the Part: Supertrifecta Exchange

2) Code Citation: 11 Ill. Adm. Code 310

<u>Section Number:</u>	<u>Adopted Action:</u>	<u>New Section</u>
310.10		New Section
310.20		New Section
310.30		New Section
310.40		New Section
310.50		New Section
310.60		New Section
310.70		New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: November 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain an incorporation by reference? No

8) Date filed in Agency's Principal Office: October 20, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9038, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: Minor grammatical changes were made throughout this rulemaking [punctuation, spelling].

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A

13) Will these rules replace emergency rules currently in effect? No

14) Are there any other proposed rules pending in this Part? No

15) Summary and purpose of rules: This rulemaking establishes the supertrifecta exchange wagering pool.

16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

(312) 814-2600

The full text of the adopted rules beings on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 310

SUPERTRIFECTA EXCHANGE

Section	Definition
310.10	General Provisions
310.20	Pool Distribution
310.30	Dead Heats
310.40	Scratches
310.50	Races Canceled
310.60	Mandatory Distribution

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. **15214**, effective

NOV 1 1995

Section 310.10 Definition

The supertrifecta exchange requires selection of the first three finishers, in their exact order, in the first of two designated contests, and the selection of the first four finishers, in their exact order in the second of two designated contests. Each winning wager for the first supertrifecta exchange contest must be exchanged for a free ticket on the second supertrifecta exchange contest in order to remain eligible for the second half supertrifecta exchange contest. Winning first half supertrifecta exchange wagers will receive both an exchange and a monetary payoff. All supertrifecta exchange wagers shall be calculated in an entirely separate pool.

Section 310.20 General Provisions

- a) Unless expressly noted in this Part, all trifecta rules shall apply.
- b) Supertrifecta exchange tickets shall be sold and exchanged by licensed facilities and at attended ticket-issuing machines. The sale, exchange or transfer of supertrifecta exchange tickets by any other facility or person is prohibited.
- c) Supertrifecta exchange wagers shall not be sold in denominations of less than \$1.
- d) The supertrifecta exchange rules shall be prominently displayed in the official program on each day the supertrifecta exchange wager is offered.
- e) If a wagering facility is unable to process wagers on the second

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supertrifecta exchange contest, due to unforeseen problems, including but not limited to totalizator malfunction, natural disaster, electrical failure, holders of winning wagers on the first supertrifecta exchange contest shall be entitled to the monetary value of the winning wager but shall not be eligible for an exchange ticket on the second supertrifecta exchange contest.

- f) Any organization licensee who elects to offer a supertrifecta exchange wager shall notify the State Director of Mutuels, in writing, at least 30 days prior to the start of its meet.

Section 310.30 Pool Distribution

- a) An organization shall elect a 50% or 75% carryover method prior to the start of its meet. The remaining 50% or 25% shall be the daily net pool.
- b) In the first supertrifecta exchange contest, winning wagers and distribution of the daily net pool shall be determined using the following precedence, based upon the official order of finish for the first supertrifecta exchange contest:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then
 - 4) The entire supertrifecta exchange pool, for that contest, shall be added to the carryover pool and the second half shall be canceled.
- c) If no first half supertrifecta exchange wager selects the first three finishers of that contest in exact order, winning wagers shall not receive any exchange tickets for the second half supertrifecta exchange pool. In such cases, the second half supertrifecta exchange pool shall be retained and added to any existing supertrifecta exchange carryover pool.
- d) The carryover pool shall be distributed to winning wagers on the second supertrifecta exchange contest according to the following precedence, based upon the official order of finish for the second supertrifecta exchange contest:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - 2) The entire carryover pool for that contest shall be added to any existing carryover and retained for the next consecutive second half supertrifecta exchange pool.
- e) If a winning first half supertrifecta exchange wager is not presented

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for payment and exchange prior to the second half supertrifecta exchange contest, the ticket holder shall receive the monetary value associated with the first half supertrifecta exchange pool but forfeits all rights to any distribution of the second half supertrifecta exchange pool.

Section 310.40 Dead Heats

- a) If there is a dead heat or multiple dead heats in either the first or second supertrifecta exchange contest, all supertrifecta exchange wagers selecting the correct order of finish, including any dead-heated contestant, shall be considered winners.
- b) If there is a dead heat in the first supertrifecta exchange contest, payoffs shall be calculated as a profit split.
- c) If there is a dead heat in the second supertrifecta exchange contest, payoffs shall be calculated as a single price pool.

Section 310.50 Scratches

- a) Should a betting interest in the first supertrifecta exchange contest be scratched, those wagers including the scratched betting interest shall be refunded.
- b) Should a betting interest in the second supertrifecta exchange contest be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second supertrifecta exchange contest, the ticket holder forfeits all rights to the second supertrifecta exchange pool.
- c) If, due to a late scratch, the number of betting interests in the second supertrifecta exchange contest is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning wagers shall be entitled to the second half supertrifecta exchange pool for that contest as a single price pool, but not the supertrifecta exchange carryover.

Section 310.60 Races Canceled

- a) If either of the supertrifecta exchange contests are canceled prior to the first supertrifecta exchange contest, the entire supertrifecta exchange pool shall be refunded.
- b) If the second supertrifecta exchange contest is canceled, all exchange tickets and outstanding first half winning supertrifecta exchange tickets shall be entitled to the daily net supertrifecta exchange pool for that contest as a single price pool, but not the supertrifecta exchange carryover.

Section 310.70 Mandatory Distribution

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a) The supertrifecta exchange carryover shall be designated for distribution on the last program of a race meeting or the last program during a consecutive race meeting of the same type of racing at the same track and shall be advertised to the public.

b) In the event a mandatory distribution is required, the following precedence will be followed in determining winning wagers for the second supertrifecta exchange contest, based upon the official order of finish:

- 1) As a single price pool to those who selected the first four finishers in exact order; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination correctly selected the first, second and third place betting interests; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination correctly selected the first and second place finishers; but if there are no such wagers, then
 - 4) As a single price pool to those whose combination correctly selected the first place betting interest; but if there are no such wagers, then
 - 5) As a single price pool to those whose combination correctly selected the second, third and fourth place finishers; but if there are no such wagers, then
 - 6) As a single price pool to those whose combination correctly selected the second and third place betting interest; but if there are no such wagers, then
 - 7) As a single price pool to those whose combination correctly selected the second place betting interest; but if there are no such wagers, then
 - 8) As a single price pool to those whose combination correctly selected the third and fourth place betting interest; but if there are no such wagers, then
 - 9) As a single price pool to those whose combination correctly selected the third place betting interest; but if there are no such wagers, then
 - 10) As a single price pool to those whose combination correctly selected the fourth place betting interest; but if there are no such wagers, then
 - 11) As a single price pool to holders of valid exchange tickets.
- c) In the event no valid exchange tickets are issued the carryover shall be distributed in the following precedence, based upon the official order of finish:
- 1) As a single price pool to those whose combination correctly selected the first and second place betting interests in the first supertrifecta exchange contest; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination correctly selected the first place finisher in the first supertrifecta exchange contest; but if there are no such wagers, then

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- 3) As a single price pool to those holding first half supertrifecta exchange wagers.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Supertrifecta Rules

- 2) Code Citation: 11 Ill. Adm. Code 421

- 3) Section Numbers: Adopted Action:

421.10	Repealed
421.20	Repealed
421.30	Repealed
421.40	Repealed
421.50	Repealed
421.60	Repealed
421.70	Repealed
421.80	Repealed
421.90	Repealed
421.100	Repealed

- 4) Statutory Authority: 230 ILCS 5

- 5) Effective Date of Rulemaking: November 1, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain an incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: October 20, 1995

- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9045, July 7, 1995

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This rulemaking repeals the Board's old supertrifecta rules.

- 16) Information and questions regarding these adopted repealers shall be directed to:

Gina DiCaro

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

Illinois Racing Board
Legal Department
100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

1) Heading of the Part: Trifecta

2) Code Citation: 11 Ill. Adm. Code 409

3) Section Number: Adopted Action:

409.10	Repealed
409.20	Repealed
409.30	Repealed
409.40	Repealed
409.50	Repealed
409.65	Repealed
409.85	Repealed
409.90	Repealed

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: November 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain an incorporation by reference? No

8) Date filed in Agency's Principal Office: October 20, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9061, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking repeals the Board's old trifecta rules.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Trifecta
- 2) Code Citation: 11 Ill. Adm. Code 306
- 3) Section Number: Adopted Action:
306.10 New Section
306.20 New Section
306.30 New Section
306.40 New Section
306.50 New Section
306.60 New Section
- 4) Statutory Authority: 230 ILCS 5
- 5) Effective Date of Rule: November 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain an incorporation by reference? No
- 8) Date filed in Agency's Principal Office: October 20, 1995
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9056,
July 7, 1995
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: Minor grammatical changes were made throughout this rulemaking [punctuation, spelling].
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A
- 13) Will these rules replace emergency rules currently in effect? No
- 14) Are there any other proposed rules pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking establishes the trifecta wagering pool.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 306
TRIFECTA

Section	Definition
306.10	Entries and Fields
306.20	Minimum Fields
306.30	Pool Distribution
306.40	Dead Heats
306.50	Scratches
306.60	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted Nov 1 1995 at 19 Ill. Reg. 15 225, effective

Section 306.10 Definition

The trifecta requires the selection of the first three finishers, in their exact order, for a single designated contest. All trifecta wagers shall be calculated in an entirely separate pool.

Section 306.20 Entries and Fields

- a) Fields shall be allowed in a trifecta contest, so long as it is a stakes race with a minimum purse of \$100,000.
- b) Only one entry, either coupled or uncoupled, shall be allowed in a trifecta race so long as it is a stakes race with a minimum purse of \$25,000 and a minimum field of eight betting interests.
- c) For overnight thoroughbred races, one entry shall be allowed in a trifecta race so long as the entry is coupled, and at least eight betting interests are carded.
- d) This Section shall not apply to races which are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)].

Section 306.30 Minimum Fields

- a) For thoroughbred racing, trifecta wagering shall be prohibited on races with fewer than 6 betting interests.
- b) For harness racing, trifecta wagering shall be prohibited on races with fewer than 7 betting interests.
- c) This Section shall not be applicable to Stakes Races.

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Section 306.40 Pool Distribution

- a) The net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
- 1) If contestants of a coupled entry or mutuel field finish, in any combination, within the first three finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest; otherwise
 - 2) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - 4) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then
 - 5) The entire pool shall be refunded on trifecta wagers for that contest.
- b) If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest (e.g., 2 horses finish = 1-2-All or 1 horse finishes = 1-All-All).

Section 306.50 Dead Heats

- a) If there is a dead heat for first involving:
- 1) contestants representing three or more betting interests, all of the wagering combinations selecting the three betting interests which correspond with any of the betting involved in the dead heat shall share in a profit split.
 - 2) contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third place betting interests shall share in a profit split.
- b) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.
- c) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

Section 306.60 Scratches

- a) In the event any contestant that is not part of an entry or field is scratched, all wagers including the scratched betting interests shall be refunded.

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- b) In the event any contestant in a coupled entry or mutuel field is scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds shall be granted.
- c) In the event all contestants within a coupled entry or mutuel field are scratched, all wagers including such betting interests shall be refunded.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: Twin Trifecta

2) Code Citation: 11 Ill. Adm. Code 307

3) Section Number: Adopted Action:

307.10	New Section
307.20	New Section
307.30	New Section
307.40	New Section
307.50	New Section
307.60	New Section
307.70	New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: November 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain an incorporation by reference? No

8) Date filed in Agency's Principal Office: October 20, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9066, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: Minor grammatical changes were made throughout this rulemaking [punctuation, spelling].

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A

13) Will these rules replace emergency rules currently in effect? No

14) Are there any other proposed rules pending in this Part? No

15) Summary and purpose of rules: This rulemaking establishes the twin trifecta wagering pool.

16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

(312) 814-2600

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 307

TWIN TRIPECTA EXCHANGE

Section

- 307.10 Definition
- 307.20 General Provisions
- 307.30 Pool Distribution
- 307.40 Dead Heats
- 307.50 Scratches
- 307.60 Races Canceled
- 307.70 Mandatory Distribution

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 15230, effective NOV 1 1995.

Section 307.10 Definition

The twin tripecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning wager for the first twin tripecta contest must be exchanged for a free ticket on the second twin tripecta contest in order to remain eligible for the second half twin tripecta contest. Winning first half twin tripecta wagers will receive both an exchange and a monetary payoff. All twin tripecta wagers shall be calculated in an entirely separate pool.

Section 307.20 General Provisions

- a) Unless expressly noted in this Part, all tripecta rules shall apply.
- b) Twin tripecta tickets shall be sold and exchanged by licensed facilities and at attended ticket-issuing machines. The sale, exchange or transfer of twin tripecta tickets by any other facility or person is prohibited.
- c) Twin tripecta wagers shall not be sold in denominations of less than \$1.
- d) The twin tripecta rules shall be prominently displayed in the official program on each day the twin tripecta wager is offered.
- e) If a wagering facility is unable to process wagers on the second twin tripecta contest, due to unforeseen problems, including but not limited to totalizator malfunction, natural disaster, electrical failure, holders of winning wagers on the first twin tripecta contest

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shall be entitled to the monetary value of the winning wager but shall not be eligible for an exchange ticket on the second twin tripecta contest.

- f) Any organization licensee who elects to offer a twin tripecta wager shall notify the State Director of Mutuels, in writing, at least 30 days prior to the start of its meet.

Section 307.30 Pool Distribution

- a) An organization shall elect a 50% or 75% carryover method prior to the start of its meet. The remaining 50% or 25% shall be the daily net pool.
- b) In the first twin tripecta contest, winning wagers and distribution of the daily net pool shall be determined using the following precedence, based upon the official order of finish for the first twin tripecta contest:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then
 - 4) The entire twin tripecta pool, for that contest, shall be added to the carryover pool and the second half shall be canceled.
- c) If no first half twin tripecta wager selects the first three finishers of that contest in exact order, winning wagers shall not receive any exchange tickets for the second half twin tripecta pool. In such cases, the second twin tripecta pool shall be retained and added to any existing twin tripecta carryover pool.
- d) The carryover pool shall be distributed to winning wagers on the second twin tripecta contest according to the following precedence, based upon the official order of finish for the second twin tripecta contest:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - 2) The entire carryover pool for that contest shall be added to any existing carryover and retained for the next consecutive second half twin tripecta pool.
 - e) If a winning first half twin tripecta wager is not presented for payment and exchange prior to the second half twin tripecta contest, the ticket holder shall receive the monetary value associated with the first half twin tripecta pool but forfeits all rights to any distribution of the second half twin tripecta pool.

Section 307.40 Dead Heats

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- a) If there is a dead heat or multiple dead heats in either the first or second twin trifecta contest, all twin trifecta wagers selecting the correct order of finish, including any dead-heat contestant, shall be considered winners.
- b) If there is a dead heat in the first twin trifecta contest, payoffs shall be calculated as a profit split.
- c) If there is a dead heat in the second twin trifecta contest, payoffs shall be calculated as a single price pool.

Section 307.50 Scratches

- a) Should a betting interest in the first twin trifecta contest be scratched, those wagers including the scratched betting interest shall be refunded.
- b) Should a betting interest in the second twin trifecta contest be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta contest, the ticket holder forfeits all rights to the second twin trifecta pool.
- c) If, due to a late scratch, the number of betting interests in the second twin trifecta contest is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning wagers shall be entitled to the second half twin trifecta pool for that contest as a single price pool, but not the twin trifecta carryover.

Section 307.60 Races Canceled

- a) If either of the twin trifecta contests are canceled prior to the first twin trifecta contest, the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second twin trifecta contest shall be canceled.
- b) If the second twin trifecta contest is canceled, all exchange tickets and outstanding first half winning twin trifecta tickets shall be entitled to the daily net twin trifecta pool for that contest as a single price pool, but not the twin trifecta carryover.

Section 307.70 Mandatory Distribution

- a) The twin trifecta carryover shall be designated for distribution on the last program of a race meeting or the last program during a consecutive race meeting of the same type of racing at the same track and shall be advertised to the public.
- b) In the event a mandatory distribution is required, the following precedence will be followed in determining winning wagers for the second twin trifecta contest, based upon the official order of finish:
 - 1) As a single price pool to those who selected the first three finishers in exact order; but if there are no such wagers, then

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- 2) As a single price pool to those whose combination correctly selected the first and second place finishers in correct order; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination correctly selected the first place betting interest; but if there are no such wagers, then
 - 4) As a single price pool to those whose combination correctly selected the second and third place finishers in exact order; but if there are no such wagers, then
 - 5) As a single price pool to those whose combination correctly selected the second place betting interest; but if there are no such wagers, then
 - 6) As a single price pool to those whose combination correctly selected the third place betting interest; but if there are no such wagers, then
 - 7) As a single price pool to holders of valid exchange tickets.
- c) In the event no valid exchange tickets are issued the carryover shall be distributed in the following precedence, based upon the official order of finish:
- 1) As a single price pool to those whose combination correctly selected the first and second place betting interests in the first twin trifecta contest; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination correctly selected the first place finisher in the first twin trifecta contest; but if there are no such wagers, then
 - 3) As a single price pool to those holding first half twin trifecta wagers.

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Twin Trifecta Exchange

2) Code Citation: 11 Ill. Adm. Code 440

3) Section Numbers: Adopted Action:

440.10	Repealed
440.20	Repealed
440.30	Repealed
440.40	Repealed
440.50	Repealed
440.60	Repealed
440.70	Repealed
440.80	Repealed
440.90	Repealed
440.100	Repealed
440.110	Repealed
440.120	Repealed
440.130	Repealed
440.140	Repealed
440.150	Repealed

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rulemaking: November 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain an incorporation by reference? No

8) Date Filed in Agency's Principal Office: October 20, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9072, July 7, 1995

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking repeals the Board's old twin trifecta exchange rules.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED REPEALER

16) Information and questions regarding these adopted repealers shall be directed to:

Gina DiCaro
Racing Board
100 W. Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: Win, Place and Show Pools

2) Code Citation: 11 Ill. Adm. Code 301

<u>Section Number:</u>	<u>Adopted Action:</u>
301.10	New Section
301.20	New Section
301.30	New Section
301.40	New Section

4) Statutory Authority: 230 ILCS 5

5) Effective Date of Rule: November 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain an incorporation by reference? No

8) Date filed in Agency's Principal Office: October 20, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 9079, July 7, 1995

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: The statutory citation was corrected. Also minor grammatical changes were made throughout the rulemaking [punctuation, spelling].

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? N/A.

13) Will these rules replace emergency rules currently in effect? No

14) Are there any other proposed rules pending in this Part? No

15) Summary and purpose of rules: These rules establish the calculation of payoffs and distribution of win, place and show pools.

16) Information and questions regarding these adopted rules shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-2600

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

The full text of the adopted rules begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 301

WIN, PLACE AND SHOW POOLS

Section

301.10 General

301.20 Win Pools

301.30 Place Pools

301.40 Show Pools

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 15238, effective NOV 1 1995.

Section 301.10 General

a) All pari-mutuel pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool pursuant to the Act [230 ILCS 5]. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

b) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.

Section 301.20 Win Pools

a) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to win on that betting interest.

b) The net win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

- 1) To those whose selection finished first; but if there are no such wagers, then
- 2) To those whose selection finished second; but if there are no such wagers, then

ILLINOIS RACING BOARD

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- 3) To those whose selection finished third; but if there are no such wagers, then
 - 4) The entire pool shall be refunded on win wagers for that contest.
- c) If there is a dead heat for first involving:
- 1) contestants representing the same betting interest, the win pool shall be distributed as if no dead heat occurred.
 - 2) contestants representing two or more betting interests, the win pool shall be distributed as a profit split.

Section 301.30 Place Pools

a) The amounts wagered to place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient being the profit per dollar wagered to place on that betting interest.

b) The net place pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

- 1) If contestants of a coupled entry or mutual field finished in the first two places, as a single price pool to those who selected the coupled entry or mutual field; otherwise
- 2) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers, then
- 3) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then
- 4) As a single price pool to those who selected the third place finisher; but if there are no such wagers, then
- 5) The entire pool shall be refunded on place wagers for that contest.

c) If there is a dead heat for second involving:

- 1) contestants representing the same betting interest, the place pool shall be distributed as if no dead heat occurred.
- 2) contestants representing two or more betting interests, the place pool shall be divided with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed equally among place wagers on those betting interests involved in the dead heat for second.

Section 301.40 Show Pools

a) The amounts wagered to show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show on that betting interest. The

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net show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- 1) If contestants of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
- 2) If contestants of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise
- 3) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers, then
- 4) As a profit split to those who selected the two covered betting interests included within the first three finishers; but if there are no such wagers, then
- 5) As a profit split to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then
- 6) As a single price pool to those who selected the fourth place finisher; but if there are no such wagers, then
- 7) The entire pool shall be refunded on show wagers for that contest.

b) If there is a dead heat for first involving:

- 1) two contestants representing the same betting interest, the profit is divided with two-thirds distributed to those who selected the first place finisher and one-third distributed to those who selected the betting interest finishing third.
- 2) three contestants representing a single betting interest, the show pool shall be distributed as a single price pool.
- 3) contestants representing two or more betting interests, the show pool shall be distributed as a profit split.

c) If there is a dead heat for second involving:

- 1) contestants representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second place finishers.
- 2) contestants representing two betting interests, the show pool shall be distributed as a profit split.
- 3) contestants representing three betting interests, the show pool is divided with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder is distributed equally among show wagers on those betting interests involved in the dead heat for second.

d) If there is a dead heat for third involving:

- 1) contestants representing the same betting interest, the show pool shall be distributed as if no dead heat occurred.
- 2) contestants representing two or more betting interests, the show

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pool is divided with two-thirds of the profit distributed to show wagers on the betting interest finishing first and second and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for third.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Emergency Action:

112.303

Amendment

4) Statutory Authority: Sections 5/4-17 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-17 and 12-13].

5) Effective Date of Amendments: November 1, 1995

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: November 1, 1995

8) Reason for Emergency: In accordance with provisions of Public Act 89-289, these emergency amendments implement the Quarterly Reporting - Failure to Report Employment Demonstration Project effective November 1, 1995. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly rather than a monthly basis. In addition, clients who do not report earnings will have benefits discontinued and recovery action will be taken for benefits paid from the point of non-cooperation. Public Act 89-289 allows the Department to implement these changes through the use of emergency rulemaking.

9) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-289, the Department is initiating a demonstration project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices Statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly rather than a monthly basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

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AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these emergency amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance

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reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

Companion emergency amendments are being proposed to 89 Ill. Adm. Code 117 and 170. Related rulemakings were published on October 6, 1995 at 19 Ill. Reg. 13759, 13789 and 13816.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.8	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.65	New Section	September 15, 1995 (19 Ill. Reg. 12927)
112.70	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.71	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.71	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.72	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.73	Amendment	August 18, 1995 (19 Ill. Reg. 11773)
112.74	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.76	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.77	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.78	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.79	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.251	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.300	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.306	Amendment	July 14, 1995 (19 Ill. Reg. 9376)
112.308	Amendment	July 14, 1995 (19 Ill. Reg. 9376)

11) Statement of Statewide Policy Objectives: These emergency amendments do

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not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent
112.67 Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section

112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
112.79 JOBS Sanctions
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility For JOBS
112.82 JOBS Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project

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112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments
112.140 Exempt Earned Income

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112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers
112.155	AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section	
112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
EMERGENCY	
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Twelve Month Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of

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Corrections Facilities

SUBPART J: CHILD CARE

Section	
112.350	Child Care
112.352	Child Care Eligibility
112.354	Qualified Provider
112.356	Notification of Available Services
112.358	Participant Rights and Responsibilities
112.362	Additional Service to Secure or Maintain Child Care Arrangements
112.364	Rates of Payment for Child Care
112.366	Method of Providing Child Care
112.370	Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
112.406	Loss of Eligibility for Transitional Child Care
112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12,

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p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 19, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984;

DEPARTMENT OF PUBLIC AID

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peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12933, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 5, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September

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16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13562, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7893, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days.

SUBPART I: OTHER PROVISIONS

Section 112.303 Retrospective Budgeting

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EMERGENCY

- a) All AFDC recipients shall have income and attendant circumstances budgeted on a retrospective basis, whether or not they must report monthly, except those participating in the Income Budgeting Project and the Quarterly Reporting - Failure to Report Employment Demonstration Project. (see See 89 Ill. Adm. Code Section 170.50 and 170.380).
- b) Eligibility for AFDC is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the unit is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. For participants in the Income Budget Project, earnings shall be budgeted prospectively for the first two months and retrospectively thereafter. At intake, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month. For participants in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting shall be done prospectively.
- c) The budget month is the fiscal month from which the Department uses income and attendant circumstances to determine the amount of assistance the unit is entitled to receive. The payment month is the fiscal month which the assistance grant covers. The payment month is the second fiscal month following the budget month.
- d) ~~the Department may supplement a recipient's assistance grant due to a loss of income in the payment month (see Section 112.190); e) When a recipient whose assistance is discontinued reapplies for the same fiscal month assistance was discontinued, the recipient's income is budgeted retrospectively as if no interruption in assistance occurred. This does not apply to participants in the Income Budgeting Project whose cases are cancelled in the first two payment months of initial employment. This also does not apply to clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code 170.380).~~

(Source: Emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days)

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- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Numbers:

<u>Emergency Action:</u>
170.360 New Section
170.380 New Section
- 4) Statutory Authority: Sections 4-1.10, 4-17 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.10, 4-17 and 12-13].
- 5) Effective Date of Amendments: November 1, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: November 1, 1995
- 8) Reason for Emergency: These emergency amendments are necessary to implement the GET A JOB Initiative effective November 1, 1995. This emergency rulemaking complies with provisions of Public Act 89-6 which requires the Department of Public Aid to operate a job search program under which every person determined eligible for AFDC who has a high school education or its equivalent or a prior work history and whose youngest child is at least 5 years of age but less than 13 years of age will be required to participate in a job search program until employment is secured or for 6 months after the date of approval, whichever is less. Public Act 89-6 allows the Department to implement the changes made by that amendatory Act through the use of emergency rulemaking.

In accordance with provisions of Public Act 89-289, these emergency amendments also implement the Quarterly Reporting - Failure to Report Employment Demonstration Project effective November 1, 1995. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly rather than a monthly basis. In addition, clients who do not report earnings will have benefits discontinued and recovery action will be taken for benefits paid from the point of non-cooperation. Public Act 89-289 allows the Department to implement these changes through the use of emergency rulemaking.

- 9) Complete Description of the Subjects and Issues Involved:

Section 170.360

In accordance with provisions of Public Act 89-6 and to help move people toward self-sufficiency and to support clients in their efforts to achieve

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- employment goals, the Department is implementing the GET A JOB Initiative. All new applicants whose youngest child is age 5 through 12 will be automatically enrolled in Job Search for six months. The GET A JOB Initiative immediately places employable AFDC clients with children ages 5 through 12 in job search activities to get them into the work force quickly. Clients must have a high school diploma or equivalent or a recent work history. They can search for work while their children are in school.
- At approval, clients will complete six months of job search activities as a condition of eligibility. With the help of JOBS and casework staff, clients will use a variety of methods to find employment and will report monthly, in person, their job search progress. If a client has not entered employment after the six months, he or she will be reassessed by JOBS staff and assigned to a work experience or training program as slots become available.
- These emergency amendments provide that, unless they have good cause, GET A JOB participants must:
1. attend scheduled monthly job search meetings;
 2. keep appointments with GET A JOB staff;
 3. make a good faith effort to complete 20 employer contacts each month;
 4. accept a bonafide offer of suitable employment; and
 5. maintain employment and not voluntarily reduce earnings.
- This rulemaking establishes that each GET A JOB participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. In addition, payment for child care and initial employment expenses will also be provided. Clients who do not cooperate will be sanctioned by having the adult portion of their grant reduced.
- A related rulemaking was published on August 4, 1995 at 19 Ill. Reg. 11316.

Section 170.380

Pursuant to provisions of Public Act 89-289, the Department is initiating a demonstration project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly rather than a

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monthly basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these emergency amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes

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in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be reinstated to the level of the prior month. If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

Companion emergency amendments are being proposed to 89 Ill. Adm. Code 112 and 117. Related rulemakings were published on October 6, 1995 at 19 Ill. Reg. 13759, 13789 and 13816.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
170.300	Amendment	July 7, 1995 (19 Ill. Reg. 8933)
170.350	New Section	July 21, 1995 (19 Ill. Reg. 10381)
170.360	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.370	New Section	August 4, 1995 (19 Ill. Reg. 11316)
170.380	New Section	October 6, 1995 (19 Ill. Reg. 13789)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be

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directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170

DEMONSTRATION PROGRAMS

SUBPART A: THE FRESH START
WELFARE REFORM DEMONSTRATION PROGRAM

Section

170.10 Youth Employment and Training Initiative
170.20 Paternal Involvement Project
170.30 Homeless Families Support Project
170.40 Family Responsibility Project
170.50 Income Budgeting Project

SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section

170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section

170.200 Community Group Participation Program

SUBPART D: EARNED INCOME INITIATIVE

Sections

170.250 Work Pays Demonstration

SUBPART E: FAMILY DEVELOPMENT PLAN

170.300

Tuancy Prevention Project

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

Section

170.360 GET A JOB Initiative

EMERGENCY

170.380 Quarterly Reporting - Failure to Report Employment Demonstration
EMERGENCY Project

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AUTHORITY: Implementing and authorized by Sections 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATION

**Section 170.360 GET A JOB Initiative
EMERGENCY**

a) The Department will operate GET A JOB as a Statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in GET A JOB.

b) Selection of Participants

At the time AFDC cash assistance (Category 04 only) is approved, adults who are not exempt from participation in the AFDC JOBS Program and who meet the following criteria will be assigned to GET A JOB. Exemption reasons in 89 Ill. Adm. Code 112.71 apply except for remoteness. Nonexempt adults will be selected if:

- 1) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
- 2) their youngest child is age five through 12; and
- 3) the adult:
 - A) has a high school diploma or GED;
 - B) has been employed within the last three months; or
 - C) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.

c) AFDC JOBS Orientation and Assessment

- 1) At application, potential GET A JOB participants will be identified during the AFDC eligibility interview. The eligibility worker will inform the client about the AFDC JOBS Program and explain GET A JOB participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in GET A JOB.

- 2) The determination that the client meets the selection criteria for GET A JOB and the evaluation of the need for and arrangement of supportive services constitutes the initial AFDC JOBS

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assessment for GET A JOB participants.

- 3) Participants will not be approved for education or training programs while in GET A JOB.

d) Participation Requirements

- 1) Unless they have good cause, participants must:
 - A) attend scheduled monthly job search meetings;
 - B) keep appointments with GET A JOB staff;
 - C) make a good faith effort to complete 20 employer contacts each month;
 - D) accept a bonafide offer of suitable employment; and
 - E) maintain employment and not voluntarily reduce earnings.
- 2) Participants will remain in GET A JOB for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other AFDC JOBS components as slots are available.
- 3) Participants will be placed in GET A JOB each time they are approved for AFDC cash assistance and meet the selection criteria.

e) Supportive Services

Supportive services will be provided to assist participants in their job search.

- 1) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.

- 2) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in 89 Ill. Adm. Code 112.82.

f) Sanctions

- 1) Conciliation will be attempted with participants who fail to meet participation requirements. (See 89 Ill. Adm. Code 112.77.)

- 2) When conciliation is unsuccessful, the following penalties will apply:
 - A) First sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate.
 - B) Second sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for three months, whichever is longer.
 - C) Third sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for six months, whichever is longer.
 - D) Fourth (or more) sanction - The entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer.

- 3) When a participant refuses a bonafide offer of suitable employment, the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive

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sanctions described in subsections (f)(2)(A) through (D) of this Section. It does not count in the progression or change the order of these four sanctions.

(Source: Emergency amendment at 19 Ill. Reg. **15256**, effective November 1, 1995, for a maximum of 150 days)

Section 170.380 Quarterly Reporting - Failure to Report Employment Emergency Demonstration Project

- a) This Section applies to AFDC applicants and recipients in the following local offices:
 - 1) Research sites. Cases in the research sites will be randomly assigned to an experimental or control group. Cases assigned to the experimental group are subject to the rules in this Section.
 - 2) Englewood, South Suburban and Uptown (all cases);
 - 3) DuPage (all cases);
 - 4) Kankakee (all cases);
 - 5) McLean (all cases); and
 - 6) Peoria (all cases).
- b) Clients in this demonstration project who fail to report their earnings and their earnings are discovered via crossmatch with the Illinois Department of Employment Security (IDES) will be centrally cancelled and an overpayment referred for all assistance received from the first month of the IDES quarter identified to the present. The client will be given timely notification of the action taken.
- c) Each assistance unit in the Quarterly Reporting - Failure to Report Employment Demonstration Project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.
- d) The assistance units which must report are units which contain a member who is employed or who has lost employment within the last three months.
- e) All AFDC units which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.
- f) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.
- g) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income

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(includes the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the 2/3 earned income deduction) and the gross unearned income (includes the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment the client is eligible for is the amount of the difference.

- h) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.
- i) At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.
- j) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.
- k) If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.
- l) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.
- m) If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month

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AUTHORITY: Implementing and authorized by Sections 4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code [305 ILCS 5/4-1.10, 4-8, 4-17, 11-20, 12-13 and 12-4.28].

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. 19197, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19721, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3372, effective February 28, 1994; emergency amendment at 19 Ill. Reg. 645, effective January 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 7901, effective June 8, 1995; emergency amendment at 19 Ill. Reg. 15256, effective November 1, 1995, for a maximum of 150 days.

SUBPART F: WORK AND RESPONSIBILITY DEMONSTRATIONSection 170.360 GET A JOB Initiative
EMERGENCY

a) The Department will operate GET A JOB as a Statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in GET A JOB.

b) Selection of Participants

At the time AFDC cash assistance (Category 04 only) is approved, adults who are not exempt from participation in the AFDC JOBS Program and who meet the following criteria will be assigned to GET A JOB. Exemption reasons in 89 Ill. Adm. Code 112.71 apply except for remoteness. Nonexempt adults will be selected if:

- 1) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
- 2) their youngest child is age five through 12; and
- 3) the adult:
 - A) has a high school diploma or GED;
 - B) has been employed within the last three months; or
 - C) is receiving Unemployment Insurance (UI) Benefits or has received UI within the last three months.

c) AFDC JOBS Orientation and Assessment

1) At application, potential GET A JOB participants will be identified during the AFDC eligibility interview. The eligibility worker will inform the client about the AFDC JOBS Program and explain GET A JOB participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in GET A JOB.

2) The determination that the client meets the selection criteria for GET A JOB and the evaluation of the need for and arrangement of supportive services constitutes the initial AFDC JOBS

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assessment for GET A JOB participants.

- 3) Participants will not be approved for education or training programs while in GET A JOB.

d) Participation Requirements

1) Unless they have good cause, participants must:

- A) attend scheduled monthly job search meetings;
- B) keep appointments with GET A JOB staff;
- C) make a good faith effort to complete 20 employer contacts each month;

D) accept a bonafide offer of suitable employment; and

E) maintain employment and not voluntarily reduce earnings.

- 2) Participants will remain in GET A JOB for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other AFDC JOBS components as slots are available.

3) Participants will be placed in GET A JOB each time they are approved for AFDC cash assistance and meet the selection criteria.

e) Supportive Services

Supportive services will be provided to assist participants in their job search.

- 1) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.

2) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in 89 Ill. Adm. Code 112.82.

f) Sanctions

1) Conciliation will be attempted with participants who fail to meet participation requirements. (See 89 Ill. Adm. Code 112.77.)

2) When conciliation is unsuccessful, the following penalties will apply:

A) First sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate.

B) Second sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for three months, whichever is longer.

C) Third sanction - The participant's needs will be removed from the grant until the participant agrees to cooperate or for six months, whichever is longer.

D) Fourth (or more) sanction - The entire grant will be discontinued until the participant agrees to cooperate or for six months, whichever is longer.

- 3) When a participant refuses a bonafide offer of suitable employment, the entire grant will be discontinued until the participant becomes employed or for three months, whichever comes first. This action is independent of the four level progressive

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sanctions described in subsections (f)(2)(A) through (D) of this Section. It does not count in the progression or change the order of these four sanctions.

(Source: Emergency amendment at 19 Ill. Reg. **15256**, effective November 1, 1995, for a maximum of 150 days)

Section 170.380 Quarterly Reporting - Failure to Report Employment Emergency Demonstration Project

a) This Section applies to AFDC applicants and recipients in the following local offices:

- 1) Research sites. Cases in the research sites will be randomly assigned to an experimental or control group. Cases assigned to the experimental group are subject to the rules in this Section.
- 2) Englewood, South Suburban and Uptown (all cases);
- 3) DuPage (all cases);
- 4) Kankakee (all cases);
- 5) McLean (all cases); and
- 6) Peoria (all cases).

b) Clients in this demonstration project who fail to report their earnings and their earnings are discovered via crossmatch with the Illinois Department of Employment Security (IDES) will be centrally cancelled and an overpayment referred for all assistance received from the first month of the IDES quarter identified to the present. The client will be given timely notification of the action taken.

c) Each assistance unit in the Quarterly Reporting - Failure to Report Employment Demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

d) The assistance units which must report are units which contain a member who is employed or who has lost employment within the last three months.

e) All AFDC units which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.

f) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

g) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income

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(includes the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the 2/3 earned income deduction) and the gross unearned income (includes the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment the client is eligible for is the amount of the difference.

h) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

i) At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.

j) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

k) If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

l) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

m) If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month

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period shall not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

- n) All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

(Source: Emergency amendment at 19 Ill. Reg. **15256**, effective November 1, 1995, for a maximum of 150 days)

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- 1) Heading of the Part: Related Program Provisions

- 2) Code Citation: 89 Ill. Adm. Code 117

- 3) Section Number: Emergency Action:
117.15 Amendment

- 4) Statutory Authority: Sections 5/14-17 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-17 and 12-13].

- 5) Effective Date of Amendments: November 1, 1995

- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed in Agency's Principal Office: November 1, 1995

- 8) Reason for Emergency: In accordance with provisions of Public Act 89-289, these emergency amendments implement the Quarterly Reporting - Failure to Report Employment Demonstration Project effective November 1, 1995. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly rather than a monthly basis. In addition, clients who do not report earnings will have benefits discontinued and recovery action will be taken for benefits paid from the point of non-cooperation. Public Act 89-289 allows the Department to implement these changes through the use of emergency rulemaking.

- 9) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Act 89-289, the Department is initiating a demonstration project concerning Quarterly Reporting and Employment Reporting. The Quarterly Reporting - Failure to Report Employment Demonstration Project will operate in eight local offices Statewide. This demonstration project will allow caseworkers, within specific demonstration project areas, to budget income on a quarterly rather than a monthly basis.

Currently caseworkers spend a considerable amount of time budgeting client earnings monthly. Under the Quarterly Reporting - Failure to Report Employment Demonstration Project, the budgeting process would be limited to four times a year thus allowing time to better serve clients' other needs. It is anticipated that approximately 3,306 clients in the demonstration project areas will be affected.

All AFDC caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report. AFDC clients that must report earnings will have their benefits calculated quarterly with consideration given to monthly income and attendant

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circumstances. During the application process, the actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the amount of the applicant's initial warrant. Income averaging will then be used to compute the client's first regular payment.

Clients who fail to report their earnings will be cancelled once it is discovered by the Department via crossmatch with the Illinois Department of Employment Security (IDES). In addition, an overpayment will be referred for all assistance received from the first month of the crossmatch quarter to the present. The client will be given timely notification of the action taken.

As a result of these emergency amendments, for clients in the Quarterly Reporting - Failure to Report Employment Demonstration Project, budgeting will be done prospectively. Each assistance unit in the demonstration project that is required to report must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month and any changes in these factors which the unit expects to occur in the current or future months.

The assistance units which must report are assistance units which contain a household member who is employed or who has lost employment within one of the last three months. All AFDC assistance units which must report quarterly will have their benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, AFDC may be terminated. The Department will send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days of the date of notice, whichever is later, assistance will be

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reinstated to the level of the prior month. If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If, however, a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

Companion emergency amendments are being proposed to 89 Ill. Adm. Code 112 and 170. Related rulemakings were published on October 6, 1995 at 19 Ill. Reg. 13759, 13789 and 13816.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
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117.10	Amendment	July 7, 1995 (19 Ill. Reg. 8942)
117.15	Amendment	October 6, 1995 (19 Ill. Reg. 13816)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section

- 117.1 Incorporation By Reference
- 117.10 Payee For Financial Assistance
- 117.15 Reinstatement Upon Agreement to Cooperate
- EMERGENCY
- 117.20 Replacement of Missing Warrants
- 117.30 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17

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Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267 effective November 1, 1995, for a maximum of 150 days.

Section 117.15 Reinstatement Upon Agreement to Cooperate EMERGENCY

- a) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
- b) Failure to cooperate includes but is not limited to:
 - 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten working days after the first day the financial aid would have been available, the Department shall inform the client that his or her financial assistance will be reinstated if he or she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he or she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
- d) The client's willingness to cooperate shall be demonstrated by his or her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.
- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) of this Section.
- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or

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in any educational, training or employment program conducted through the Department.

g) The policy in this Section also does not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process.

h) The policy in this Section does not apply to cancellations of clients who fail to report their earned income through the Quarterly Reporting - Failure to Report Employment Demonstration Project (see 89 Ill. Adm. Code 170.380).

(Source: Emergency amendment at 19 Ill. Reg. 15207, effective November 1, 1995 for a maximum of 150 days)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3) Section Numbers: Proposed Action:
1110.2550 Amendment
- 4) Statutory Authority: Health Facilities Planning Act [20 ILCS 3960]
- 5) Effective Date of Amendment: October 20, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: Not Applicable.

7) Date Filed in Agency's Principal Office: October 20, 1995

8) Reason for Emergency: Several demonstration programs have been unable to become operational as subacute care hospital models within the 12 month time period established by the rule. A 24 month period would allow sufficient time for several permit holders to complete necessary construction or modification and to obtain a license from the Department of Public Health. The Planning Board believes emergency rulemaking is necessary to preserve and protect those facilities which have been approved for subacute care and to permit sufficient time to obtain a license and to become operational. Failure to allow additional time will result in permits expiring and will require new permits to be obtained. Submitting new certificate of need applications would be costly to the health care applicant and those costs would be passed to the consumer and further delay the implementation of the demonstration program established by the Alternative Health Care Delivery Act.

9) A Complete Description of the Subjects and Issues Involved: These rules establish the completion requirements for all permits issued for subacute care facilities. The focus of the changes is to expand the time allotted for a program to become operational from 12 months to 24 months. Approved facilities are having difficulty in bringing these programs on line in the original 12 month period due to delays associated with licensure and certification of these new services. The emergency amendment language would rectify these problems.

10) Are there any proposed amendments to this Part Pending? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register</u>
1110.40	Amendment	19 Ill. Reg. 8085
1110.230	Amendment	19 Ill. Reg. 8085

HEALTH FACILITIES PLANNING BOARD

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1110.1430 Amendment 19 Ill. Reg. 8085
1110.1730 Amendment 19 Ill. Reg. 8085
Appendix B & C Amendment 19 Ill. Reg. 8085

11) Statement of Statewide Policy Objectives: To develop a process for the selection of pilot programs for subacute care under the directives of the Alternative Health Care Facilities Act.

12) Information and questions regarding these amendments shall be directed to:

Ray Passeri
Division of Facilities Development
Department of Public Health
525 West Jefferson, Second Floor
Springfield, IL 62761
(217) 782-3516

The full text of the emergency amendments begins on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section

1110.10 Introduction to Part 1110
1110.20 Projects Required to Obtain a Permit (Repealed)
1110.30 Processing and Reviewing Applications
1110.40 Classification of Projects
1110.50 Recognition of Services Which Existed Prior to Permit Requirements
1110.55 Recognition of Non-Hospital Based Ambulatory Surgery Category of Service
1110.60 Master Design Projects

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Section

1110.110 Introduction
1110.120 Discontinuation--Definition
1110.130 Discontinuation--Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL
PROJECTS OTHER THAN DISCONTINUATION

Section

1110.210 Introduction
1110.220 Definitions--General Review Criteria
1110.230 General Review Criteria
1110.235 Additional General Review Criteria
1110.240 Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING
ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE
IN BED CAPACITY

Section

1110.310 Introduction
1110.320 Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

Section

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1110.410 Introduction
1110.420 Modernization Review Criteria

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Section
1110.510 Medical/Surgical, Obstetric, Pediatric and Intensive
1110.520 Care--Definitions
1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review
Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--
COMPREHENSIVE PHYSICAL REHABILITATION

Section
1110.610 Introduction
1110.620 Comprehensive Physical Rehabilitation--Definitions
1110.630 Comprehensive Physical Rehabilitation--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE
MENTAL ILLNESS

Section
1110.710 Introduction
1110.720 Acute Mental Illness--Definitions
1110.730 Acute Mental Illness--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE

Section
1110.810 Introduction
1110.820 Substance Abuse--Definitions
1110.830 Substance Abuse--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--
NEONATAL INTENSIVE CARE

Section
1110.910 Introduction
1110.920 Neonatal Intensive Care--Definitions
1110.930 Neonatal Intensive Care--Review Criteria

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section
1110.1010 Introduction

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1110.1020 Burn--Definitions
1110.1030 Burn Treatment--Review Criteria

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--
THERAPEUTIC RADIOLOGY

Section
1110.1110 Introduction
1110.1120 Therapeutic Radiology--Definitions
1110.1130 Therapeutic Radiology--Review Criteria

SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--
OPEN HEART SURGERY

Section
1110.1210 Introduction
1110.1220 Open Heart Surgery--Definitions
1110.1230 Open Heart Surgery--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC
CATHETERIZATION

Section
1110.1310 Introduction
1110.1320 Cardiac Catheterization--Definitions
1110.1330 Cardiac Catheterization--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS

Section
1110.1410 Introduction
1110.1420 Chronic Renal Dialysis--Definitions
1110.1430 Chronic Renal Dialysis--Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL
BASED AMBULATORY SURGERY

Section
1110.1510 Introduction
1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions
1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This
Part
1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER SYSTEMS

Section
1110.1610 Introduction (Repealed)

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1110.1620 Computer Systems--Definitions (Repealed)
 1110.1630 Computer Systems--Review Criteria (Repealed)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL
 LONG-TERM CARE

Section
 1110.1710 Introduction
 1110.1720 General Long-Term Care--Definitions
 1110.1730 General Long-Term Care--Review Criteria

SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED
 LONG-TERM CARE

Section
 1110.1810 Introduction
 1110.1820 Specialized Long-Term Care--Definitions
 1110.1830 Specialized Long-Term Care--Review Criteria

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--
 MAGNETIC RESONANCE

Section
 1110.1910 Introduction
 1110.1920 Magnetic Resonance--Definitions
 1110.1930 Magnetic Resonance--Review Criteria

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR
 ENERGY TRANSFER (L.E.T.)

Section
 1110.2010 Introduction
 1110.2020 High Linear Energy Transfer (L.E.T.)--Definitions
 1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON
 EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section
 1110.2110 Introduction
 1110.2120 Positron Emission Tomographic Scanning (P.E.T.)--Definitions
 1110.2130 Positron Emission Tomographic Scanning (P.E.T.)--Review Criteria

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL
 SHOCK WAVE LITHOTRIPSY

Section
 1110.2210 Introduction

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1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions
 1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA--SELECTED
 ORGAN TRANSPLANTATION

Section
 1110.2310 Introduction
 1110.2320 Selected Organ Transplantation--Definitions
 1110.2330 Selected Organ Transplantation--Review Criteria

SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

Section
 1110.2410 Introduction
 1110.2420 Kidney Transplantation--Definitions
 1110.2430 Kidney Transplantation--Review Criteria

SUBPART Z: CATEGORY OF SERVICE REVIEW CRITERIA--SUBACUTE
 CARE HOSPITAL MODEL

Section
 1110.2510 Introduction
 1110.2520 Subacute Care Hospital Model--Definitions
 1110.2530 Subacute Care Hospital Model--Review Criteria
 1110.2540 Subacute Care Hospital Model--State Board Review
 1110.2550 Subacute Care Hospital Model--Project Completion

SUBPART AA: CATEGORY OF SERVICE REVIEW CRITERIA--POSTSURGICAL RECOVERY CARE
 CENTER ALTERNATIVE HEALTH CARE MODEL

Section
 1110.2610 Introduction
 1110.2620 Postsurgical Recovery Care Center Alternative Health Care Model--Definitions
 1110.2630 Postsurgical Recovery Care Center Alternative Health Care Model--Review Criteria
 1110.2640 Postsurgical Recovery Care Center Alternative Health Care Model--State Board Review
 1110.2650 Postsurgical Recovery Care Center Alternative Health Care Model--Project Completion

APPENDIX A
 APPENDIX B
 APPENDIX C

Medical Specialty Eligibility/Certification Boards
 State and National Norms on Square Footage by Department
 Statutory Citations for All State and Federal Laws
 Regulations Referenced in Chapter 1110

HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENT

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendment at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days.

SUBPART 2: CATEGORY OF SERVICE REVIEW CRITERIA-SUBACUTE CARE HOSPITAL MODEL

Section 1110.2550 Subacute Care Hospital Model-Project Completion

EMERGENCY

- a) Since the purpose for establishment of this category of service is to evaluate the alternative delivery model for effectiveness, such projects are not complete until such time as the model is evaluated and the decision made to adopt or not adopt the model as an ongoing licensed level of service separate from an alternative delivery model. A discontinuation permit will not be required of a facility holding a subacute care hospital model permit if the facility elects to discontinue the model but retain licensed subacute care beds. The subacute care hospital model project shall be considered complete as of the date the Agency is notified of the discontinuation. If during the course of the model evaluation period an approved provider of the subacute hospital care model elects to discontinue the category of service, a replacement provider of the same type may be approved by the State Board. If a need for an additional subacute care hospital model exists, applications shall be approved in accordance with Section 1110.2540. Any alteration to the subacute care hospital model during the life of the permit is subject to State Board review.
- b) All assurances and charges for service presented in the application shall be in effect for the life of the permit unless altered pursuant to the approval of the State Board.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF EMERGENCY AMENDMENT

- c) A subacute care hospital model shall have 24 ~~12~~ months from the date of permit issuance to become operational. Failure to begin operation in this time period shall result in the permit becoming null and void.
- (Source: Emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days)

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE PURSUANT TO 415 ILCS 5/7.2(b)

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are "identical in substance" to USEPA RCRA Subtitle C rules adopted pursuant to Sections 3001 through 3005 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6921-6925). These rules are contained in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, 728, 739, and 742 (soon to be added).

On October 19, 1995, in R95-20, the Pollution Control Board entered the following Order pursuant to 415 ILCS 5/7.2(b):

REASON FOR DELAY

Section 22.4(a) provides for quick adoption of regulations that are "identical in substance" to federal regulations adopted by USEPA to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act of 1976 (RCRA, 42 U.S.C. 6921-6925). Section 22.4(a) further provides that the Board may deal with multiple federal amendments that occurred in a single six-month period together in the same proceeding. Thus, it has been the Board's practice to deal with the federal RCRA Subtitle C amendments in two dockets each calendar year: one for the period January 1 through June 30, and the other for the period July 1 through December 31.

Section 7.2(b) of the Act requires the Board to complete our rulemaking proceedings within one year of when USEPA adopted its corresponding rules. In the case of dockets where we have batched several rulemakings together, the Board uses the earliest federal action in the period to determine the Section 7.2(b) due date for completion.

The Board is aware that USEPA amended the federal hazardous waste regulations during the period January 1 through June 30, 1995 in the following actions:

- * 59 Fed. Reg. 242 (Jan. 3, 1995) Technical Corrections to Phase II LDRs
- 59 Fed. Reg. 3089 (Jan. 13, 1995) Update to testing and monitoring methods
- 59 Fed. Reg. 6566 (Feb. 3, 1995) Response to City of Chicago v. Environmental Defense Fund decision
- 59 Fed. Reg. 7366 (Feb. 7, 1995) Determination that additional regulation is necessary for cement kiln dust

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

59 Fed. Reg. 7824 (Feb. 9, 1995) New hazardous waste listings for six carbamate production wastes; addition of 58 commercial chemical product wastes; exemption of certain biological treatment sludges

59 Fed. Reg. 17001 (Apr. 4, 1995) Update to testing and monitoring methods

59 Fed. Reg. 17160 (Apr. 4, 1995) Update to CWA analytical methods, incorporated by reference in 35 Ill. Adm. Code 720.111

59 Fed. Reg. 19165 (Apr. 17, 1995) Corrections to carbamate waste listings

59 Fed. Reg. 25492 (May 11, 1995) Universal Waste Rule

59 Fed. Reg. 25619 (May 12, 1995) Correction to carbamate waste listings

* 59 Fed. Reg. 26828 (May 19, 1995) Postponement of effective date for tank, container, and surface impoundment air emissions rules

60 Fed. Reg. 31114 (June 13, 1995) Delisting of hazardous waste generated in Illinois by a Pennsylvania company

59 Fed. Reg. 33912 (June 29, 1995) Deletion of obsolete, redundant, and outdated RCRA rules

The Board completed our proceedings on the federal amendments in the prior update docket, R95-6, on June 27, 1995, when we filed the amendments with the Office of the Secretary of State. Included in consolidated docket R95-4/R95-6, for the reasons stated in our opinion and order of June 1, 1995, were the federal amendments of January 3 and May 19, 1995. For these reasons, the federal action of January 13, 1995 is the earliest open action for the time frame of this docket, and the nominal due date for Board completion is January 13, 1996.

The demands on Board staff and resources and the aggregated magnitude of the federal actions included in this docket will make it impossible for the Board to meet the nominal deadline for completion of January 13, 1996. Meeting that deadline would have required Board adoption of a proposal for public comment by about September 7, 1995 for adoption of a final opinion and order by about November 16, 1995.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

For the foregoing reasons, the Board finds it necessary to set forth reasons for delay and seek publication of the appropriate notice in the *Illinois Register*. The present and recent-past demands on Board resources and personnel, including those associated with completing the prior update, R95-4/R95-6, will result in a delay in completion of this proceeding. At present, the Board hopes to entertain a proposal for public comment by our regularly-scheduled meeting of December 7, 1995. This will allow us to consider adoption of the amendments no later than late February, 1996.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF NATURAL RESOURCES

Heading of Part: Designation of Restricted Waters in the State of IllinoisCode Citation: 17 Ill Adm Code 2030Date Originally Published in the Illinois Register: 8/18/95

19 Ill Reg 11967

At its meeting on October 17, 1995, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommended that the Department of Natural Resources further meet with the residents of Griswold Lake in an effort to reach an agreement between residents and the Department on any horsepower limitations that will be applied to Griswold Lake.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Illinois Public Accounting Act

Code Citation: 68 Ill Adm Code 1420

Section Numbers: 1420.35

Date Originally Published in the Illinois Register: 3/31/95
19 Ill Reg 4961

At its meeting on October 17, 1995, the Joint Committee on Administrative Rules objected to Section 1420.35 of the above cited rulemaking because the Department has exceeded the statutory authority granted in Section 9.1 of the Act. Section 9.1 allows out-of-state CPAs to practice in Illinois without a license, if the work is related to professional business incident to their regular practice. The definition of temporary practice in this rulemaking limits out-of-state CPAs to practice in Illinois with a license granted by another state only if the CPA is acting for a business located in Illinois that is a subsidiary, division or branch of a business housed in the other state.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Local Health Protection Grant Rules

Code Citation: 77 Ill Adm Code 615

Section Numbers: 615.210

Date Originally Published in the Illinois Register: 1/27/95
19 Ill Reg 833

At its meeting on October 17, 1995, the Joint Committee on Administrative Rules objected to Section 615.210 of the above cited rulemaking because the rulemaking establishes a new allocation policy that will have an adverse economic impact on those, usually rural, local health departments within jurisdictions having a per capita income and/or per capita assessed valuation below the statewide average.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 17, 1995 through October 23, 1995 and have been scheduled for review by the Committee at its November 14, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
12/1/95	Department of Children and Family Services, Confidentiality of Personal Information of Persons Served by the Department (89 Ill Adm Code 431)	8/4/95 19 Ill Reg 11213	11/14/95
12/1/95	Department of Revenue, Motor Fuel Tax (86 Ill Adm Code 500)	6/30/95 19 Ill Reg 8566	11/14/95
12/1/95	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	7/7/95 19 Ill Reg 8938	11/14/95
12/2/95	State Board of Education, Block Grant for School Improvement (23 Ill Adm Code 160)	6/9/95 19 Ill Reg 7485	11/14/95
12/6/95	Department of Revenue, Practice and Procedure for Hearings Before the Illinois Department of Revenue (86 Ill Adm Code 200)	5/26/95 19 Ill Reg 7143	11/14/95
12/6/95	Department of Natural Resources, Rental of Boats and Boating Facilities (17 Ill Adm Code 210)	8/18/95 19 Ill Reg 11725	11/14/95
12/6/95	Department of Public Aid, Hospital Reimbursement Changes (89 Ill Adm Code 152)	7/14/95 19 Ill Reg 9380	11/14/95
12/6/95	Department of Public Aid, Long Term Care Reimbursement Changes (89 Ill Adm Code 153)	7/14/95 19 Ill Reg 9383	11/14/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/6/95	Commissioner of Savings and Residential Finance, Real Estate Appraiser Certification (68 Ill Adm Code 1455)	9/1/95 19 Ill Reg 12431	11/14/95
12/6/95	Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010)	9/8/95 19 Ill Reg 12610	11/14/95
12/6/95	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	9/1/95 19 Ill Reg 12365	11/14/95

Rules acted upon during the quarter of October 1 through December 31, 1995 are listed in the Issues Index by Title number, Part number and Issue number. For example, 32 Ill. Adm. Code 610 published in Issue 42 will be listed as 32-610-42. This Issues Index supplements the Sections Affected and Cumulative Indexes published in the October 13, 1995 Illinois Register (Issue 41). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

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